

लाल बहादुर शास्त्री प्रशासन अकादमी  
Lal Bahadur Shastri Academy  
of Administration  
मसूरी

MUSSOORIE

पुस्तकालय

LIBRARY

अवाप्ति संख्या

Accession No..... 10.1381.....

वर्ग संख्या

Class No ..... 328.415.....

पुस्तक संख्या

Book No..... In.....

V.5







# DÁIL EIREANN

## DÍOSBÓIREACHTAÍ PÁIRLIMINTE

(PARLIAMENTARY DEBATES)

# TUAIRISG OIFIGIÚIL

(OFFICIAL REPORT)

---

## IMLEABHAR V.

(VOLUME V.)

---

I gcóir na tréimhse ón 19adh Meadhon Fhoghmuir, 1923, go  
14adh Mí na Nodlag, 1923, sa tSiosón dar tosach  
19adh Meadhon Fhoghmuir, 1923.

(Comprising period from 19th September, 1923, to 14th December,  
1923, in the Session beginning 19th September, 1923.)

With APPENDIX: Oireachtas Eireann (Address by  
Governor-General, 3rd October, 1923).

BAILE ATHA CLIATH  
(Dublin)

A CLO-BHUAILEANN AGUS OIFIG AN tSOLATHAÍR A FHOILLSIGHEANN.  
(Printed by CAHILL & CO., LTD., and Published by the Stationery Office.)

PRICE 20/-



# DÁIL EIREANN.

LUCHT AN RIALTAIS  
(Members of Government).

(MEADHON FHOGHMHAIR, 1923)

LUCHT NA hARD-CHOMHAIRLE :—  
(Members of the Executive Council) :—

Uachtarán—LIAM T. MAC COSGATR, T.D.  
(President—W. T. COSGRAVE, T.D.)

Leas-Uachtarán agus Aire um Ghnóthaí Dúithche—CAOLIMHGHÍN Ó hUIGÍN, T.D.  
(Vice-President and Minister for Home Affairs—KEVIN O'HIGGINS, T.D.)

Aire um Airgead—ERNÁN DE BLAGHD, T.D.  
(Minister for Finance—ERNEST BLYTHE, T.D.)

Aire um Thiúscal agus Tráchtáil—SEOSAMH MAG CRAITH, T.D.  
(Minister for Industry and Commerce—JOSEPH McGRATH, T.D.)

Aire Oideachais—EOIN MAC NÉILL, OLLAMH, T.D.  
(Minister for Education—EOIN MACNEILL, D.LITT., T.D.)

Aire um Ghnóthaí Coigeríche—DEASMHUMHAIN MAC GEARALT, T.D.  
(Minister for External Affairs—DESMOND FITZGERALD, T.D.)

Aire Cosanta—RISTEARD Ó MAOLCHATHA, T.D.  
(Minister for Defence—GENERAL RICHARD MULCAHY, T.D.)

AIRÍ NÁCH BAILL DEN ÁRD-CHOMHAIRLE :—  
(Ministers who are not Members of the Executive Council) :—

Aire Talmhuíochta—PÁDRAIG Ó hÓGÁIN, T.D.  
(Minister for Agriculture—PATRICK HOGAN, T.D.)

Aire um Rialtas Áitiúil—SÉUMAS A. DE BURCA, T.D.  
(Minister for Local Government—JAMES A. BURKE, T.D.)

Aire an Phuist—SEUMAS S. BREATHNACH, T.D.  
(Postmaster-General—JAMES J. WALSH, T.D.)

Aire um Iasgach—FIONÁN Ó LOINGSIGH, T.D.  
(Minister for Fisheries—FINIAN LYNCH, T.D.)

Ard-Atúrnac—AODH UA CINNÉIDE, K.C., T.D.  
(Attorney-General—HUGH KENNEDY, K.C., T.D.)

PRÍOMH-OIFIGIHH.  
(PRINCIPAL OFFICERS.)

Ceann Comhairle—MICHEÁL Ó hAODHA, T.D. (Michael Hayes, T.D.)  
(Speaker).

Leas-Cheann Comhairle—PÁDRAIC Ó MÁILLE, T.D.  
(Deputy-Speaker).

Cléireach na Dála—COLM Ó MURCHADHA.  
(Clerk of the Dáil).

Fo-Chléireach—GEARÓID MAG CANAINN.  
(Assistant-Clerk).

Captaen an Ghárda—TOMÁS Ó BROIN.  
(Captain of the Guard).

# DÁIL EIREANN.

## AINMNEACA TEACHTAÍ.

Do toghadh i Mi na Lughnasa, 1923 ; agus a nDáilcheanntair.  
(List of Deputies elected in August, 1923 ; and Constituencies).

- (a) Teachtaí nár thóg a suidheacháin.—(Deputies who did not take their seats.)  
(b) Teachtaí do cailleadh.—(Deceased Deputies).  
(c) Teachtaí do thug suas.—(Deputies who resigned).

Dáil-cheanntar. Constituency.	Teachtaí. Members.
Buirg Chorcaighe .. .. . Cork Borough	James Joseph Walsh. Alfred O'Rahilly. Richard Henrik Beamish. (a) Mary MacSwiney. Andrew O'Shaughnessy.
Baile Atha Cliath Thuaidh .. .. Dublin North.	Richard James Mulcahy. Alfred Byrne. Seán McGarry. Margaret Collins-O'Driscoll. Francis Cahill. William Hewat. (a) Seán T. O'Kelly. (a) Ernie O'Malley.
Bailo Atha Cliath Theas .. .. Dublin South.	(b) Philip Cosgrave. (a) Constance de Markievicz. Daniel MacCarthy. Peadar S. Doyle. (c) Michael Hayes. Myles Keogh. (a) Charles Murphy.
Ceatharlach-Cill Choinnigh .. .. Carlow-Kilkenny.	Liam T. Cosgrave. Denis John Gorey. John Francis Gibbons. Edward Doyle. (a) Michael Shelly.
An Calbháin .. .. . Cavan.	Patrick Baxter. Seán Milroy. (a) Patrick Smith. John James Cole.
An Clár .. .. . Clare.	(a) Eamon de Valera. Eoin MacNeill. (a) Brian O'Higgins. Connor Hogan. Patrick Hogan.
Corcaigh Thuaidh .. .. . North Cork.	(a) Daniel Corkery. Thomas Nagle. Daniel Vaughan.

Dáil-cheannantar. Constituency.	Teachtaí. Members.
Corcaigh Thiar .. .. . West Cork.	(a) Cornelius Connolly. John Buckley. Timothy Joseph O'Donovan. John Prior. Timothy Joseph Murphy.
Corcaigh Thoir .. .. . East Cork.	(a) John Daly. Michael Joseph Hennessy. David Rice Kent. John Dinneen. Thomas O'Mahony.
Dún na nGall .. .. . Donegal.	(a) James Sproule Myles. Peter Joseph Ward. Eugene Doherty. John White. Patrick McFadden. Patrick Joseph McGoldrick. Peadar O'Donnell. Joseph Doherty.
Baile Atha Cliath .. .. . Dublin.	(a) Kevin O'Higgins. Desmond Fitzgerald. Michael James Derham. Kathleen Lynn. Thomas Johnson. John Good. Bryan Ricco Cooper. Darrell Figgis.
Gaillimh .. .. . Galway.	(a) Pádraig O hOgáin. H. Seoirse O Maoiliosa. Pádraic O Máille. Próinsias O Fathaigh. Seoirse MacNiocoll. Scán Broderick. Lughaidh E. O Deagha. Tomás O Conaill. Seamus MacCosgair.
Ciarraí .. .. . Kerry.	(a) Austin Stack. Finian Lynch. Thomas McEllistrum. Thomas O'Donoghue. James Crowley. John Marcus O'Sullivan. Patrick J. Cahill.
Cill Dara .. .. . Kildare.	Hugh Colohan. John Conlan. George Wolfe.

Dáil-cheanntar. Constituency.	..	..	..	Teachtaí. Members.
Liathdruim–Sligeach Leitrim–Sligo.	..	..	..	Alexander McCabo. James Nicholas Dolan. Thomas Carter. (a) Francis Joseph Carty. John Hennigan. (a) John Farrell. (a) Martin Bernard McGowan.
Laoighis agus I Fáilghe Leix–Offaly.	..	..	..	Francis Bulfin. William Davin. Patrick Joseph Egan. (a) John McGuinness. (a) Laurence Brady.
Luimneach Limerick	..	..	..	Richard Francis Hayes. James Ledden. (a) John Carroll. (a) James Colbert. John Thomas Nolan. Patrick Clancy. Patrick K. Hogan.
Longphort agus an Iar-mhidhe Longford–Westmeath.	..			(a) Connor Byrne. Patrick W. Shaw. Seán Lyons. (a) James Joseph Killane. Patrick McKenna.
Lúbhaidh Louth.	..	..	..	(a) Frank Aiken. James Edward Murphy. Peter Hughes.
Muigheo Thuaidh North Mayo.	..	..	..	(a) Patrick Joseph Rutledge. Joseph McGrath. Henry Coyle. (a) John Crowley.
Muigheo Theas South Mayo.	..	..	..	William Sears. (a) Thomas Maguire. Joseph Michael MacBride. (a) Michael Kilroy. Martin Michael Nally.
An Mhidhe Meath.	..	..	..	Edmund John Duggan. Patrick James Mulvany. David Hall.
Muineachán Monaghan.	..	..	..	Ernest Blythe. (a) Patrick McCarvill. Patrick Duffy.



Dáil-cheannntar. Constituency.	Teachtaí. Members.
Roscomáin .. .. . Roscommon.	(a) George Noble (Count) Plunkett. Andrew Lavin. Henry Joseph Finlay. (a) Gerald Boland.
Tiobrad Árann .. .. . Tipperary.	James Aloysius Bourke. (a) Daniel Breen. Louis Joseph Dalton. (a) John Patrick McCurtin. (a) Patrick Ryan. Daniel Morrissey. Michael Richard Heffernan.
Portláirge .. .. . Waterford.	(a) Caitlin Brugha. William Archer Redmond. John Butler. Nicholas Wall.
Loch Garman .. .. . Wexford.	Richard Corish. Michael Doyle. Osmond Grattan Esmonde (a) Robert Lambert. (a) James Ryan.
Cill Manntáin .. .. . Wicklow	Christopher M. Byrne. James Everett. Richard Wilson
Príomh-Scoil Bhaile Atha Cliath Dublin University.	.. Ernest Henry Alton. Sir James Craig (Professor.) William Edward Thrift.
Príomh Scoil Náisiúnta na hÉireann The National University of Ireland.	(c) Eoin MacNéill. Michael Hayes. William Magennis



**DÁIL EIREANN**  
**DÍOSBÓIREACHTAÍ PAIRLIMINTE**  
(PARLIAMENTARY DEBATES.)

**TUAIRISG OIFIGIÚIL**  
[OFFICIAL REPORT.]

**IMLEABHAR V**  
(VOLUME V.)

**DÉ CÉADAONIN, 19ADH MEADHON FHOGHMHAIR, 1923.**

(*Wednesday, 19th September, 1923.*)

Tháinig Dáil Eireann le cheile ar a 3 p.m.

**FURÓGRA.**

Do léigh an Cléireach an furógra ag gairm na Dála, mar leanas:—

FURÓGRA Ó Thadhg Ó hEaluithé duine d'Abheóidí a Shoillse Seanascal Shaorstáit Eireann.

DE BHRI gur dincadh leis an bhfurógra uaim ar an dáta so Oireachtas Shaorstáit Eireann do seur agus Toghachán Generálta i gcóir Dháil Eireann d'fhógairt ach ní i dtreo go ndéanfaí baill Sheanaid Eireann do chur as a Suidheacháin ná toghachán i gcóir na mball san do bheith riachtanach.

ANOIS AR AN ABHIAR SAN do réir agus de bhua na combachta agus an údaráis atá agam dinim-se an Seanascal roimhraithe leis an bhfurógra so in ainm a Shoillse an Rí agus comhairle Ard-Chomhairle Shaorstáit Eireann agam chuige sin Oireachtas Shaorstáit Eireann agus gach Tigh den Oireachtas san do ghairm agus do ghlaoch le chéile chun teacht le chéile i gCathair Bhaile Atha Cliath dé Céadaoin an 19adh lá de Mheadhon Fhoghmhair, 1923, ar a trí a chlog um thráthnóna chun pé gnó a leagfar fé bhráid na dTithe fé seach do dhéanamh.

Tugtha fém Láimh agus (toise nár soláthruíodh fós Séala Mor do Shaorstát Eireann) fém Shéala Príobháideach i mBaile Atha Cliath an 9adh lá so de Lúnasa, 1923.

PROCLAMATION by Timothy Michael Healy, one of His Majesty's Counsel, Governor-General of the Irish Free State.

WHEREAS by my Proclamation of this date the Oireachtas of the Irish Free State was dissolved and a General Election for Dáil Eireann declared but not so as to vacate the Seats or require an election of members of Seanad Eireann.

NOW, THEREFORE, under and by virtue of the power and authority in me vested, I, the Governor-General aforesaid, by this Proclamation, in the name of His Majesty the King, do hereby by and with the advice of the Executive Council of the Irish Free State, summon and call together the Oireachtas of the Irish Free State and each House of the said Oireachtas to meet at the City of Dublin on Wednesday, the 19th day of September, 1923, at the hour of three o'clock in the afternoon, for the despatch of such business as shall be submitted to the respective Houses.

Given under my Hand and (a Great Seal of the Irish Free State not having been yet provided) under my Private Seal at Dublin this 9th day of August, 1923.

(Sighnithe) T. M. HEALY,  
(Signed)

Seanascal Shaorstáit Eireann.  
Governor-General of the Irish Free State.

Tugtha fé Láimh a Oirdhearcais Scanascal Shaorstáit Eireann agus tugtha amach fé n-a Shéala i dTithe an Rialtais Baile Atha Cliath an 9adh lá seo de Lúnasa, 1923.

Given under the Hand of His Excellency the Governor-General of the Irish Free State and issued under his Seal at Government Buildings, Dublin, this 9th day of August, 1923.

(Sighnithe) LIAM T. MAC COSGAIR,  
Signed Uachtarán Ard-Chomhairle Shaorstáit Eireann.  
President of the Executive Council of the Irish Free State.

### CUR AMACH RITEACHA.

Do leig an Cléireach tuarasgabhail mar leanas:—

I gcó-líona Buan-Ordú a 3 de Bhuan-Orduithe Dháil Eireann, tá orm a thuairisciú gur dhineas, ar an 9adh Lúnasa, 1923, agus díreach tar éis curtha amach Furógra an dáta san ag gairm an Oireachtais chun teacht le chéile i mBaile Atha Cliath ar an 19adh Meadhon Fhoghmhair, 1923, gur dhineas mo riteacha do chur amach, do réir na bhforálacha ina thaobh san atá san Acht Timpeal Toghachán, 1923, chun na gCeann Comhrimh seo a leanas do sna Dáil-cheanntreacha atá ainmnithe anso síos.

In compliance with Standing Order No. 3 of the Standing Orders of Dáil Eireann, I have to report that on the 9th August, 1923, immediately upon the issue of the Proclamation of that date summoning the Oireachtas to meet at Dublin on the 19th September, 1923, I issued my writs, pursuant to the relative provisions of the Electoral Act, 1923, to the following Returning Officers for the Constituencies named hereunder:—

Dáil-cheanntreacha Buirge (Borough Constituencies).

Buirg Choreaghe (Cork Borough)—Francis Hanrahan.

Baile Atha Cliath Thuaidh (Dublin North), Baile Atha Cliath Theas (Dublin South)—Loreen G. Sherlock.

Dáil-cheanntreacha Contae (County Constituencies).

Ceatharloch-Chill Choinnigh (Carlow-Kilkenny)—Thomas Drew.

Cabhán (Cavan)—G. V. Maloney.

An Clár (Clare)—Fred. G. Cullinan.

Corcaigh Thuaidh (North Cork), Corcaigh Thiar (West Cork), Corcaigh Thoir (East Cork)—John Jermyn.

Dún na nGall (Donegal)—Hugh C. Cochrane.

Baile Atha Cliath (Dublin)—W. McA. McCracken.

An Ghaillimh (Galway)—Raoul Joyce.

Ciarraidhe (Kerry)—Redmond Roche.

Cill Dara (Kildare)—Charles Daly. Liathdrom-Shligeach (Leitrim-Sligo)—Séamus de Búrcá.

Laoighis-ObhFáilghe (Leix-Offaly)—J. N. McClure.

Luimneach (Limerick)—Benjamin K. Lucas.

Longphort - Iarmhidhe (Longford-Westmeath)—W. H. Fetherstonhaugh.

Lúbhaidh (Louth)—John J. Russell.

Muigheo Thuaidh (North Mayo), Muigheo Theas (South Mayo)—Austin Crean.

An Mhidhe (Meath)—George H. Lowry.

Muineachán (Monaghan)—W. H. Swan.

Roscomáin (Roscommon)—Charles Coleman Dignan.

Tiobrad Arann (Tipperary)—Séan L. O Bogaigh.

Portláirge (Waterford)—M. P. Devereux.

Loch Garman (Wexford)—James P. Connor.

Cill Mantáin (Wicklow)—William Toomey.

Príomh-Scoileanna (Universities).

Príomh-Scoil Bhaile Atha Cliath (Dublin University)—John Henry Bolnard, D.D.

Príomh-Scoil Náisiúnta na hEireann (The National University of Ireland)—Patrick Joseph Merriman.

## FREAGRAI AR RITEACHA.

**AN CLEIREACH:** Siad so a leanas ainmneacha na dTeachtaí a toghadh chun fónamh sa Dáil, mar son le hainmneacha na nDáil-cheanntar gur ina gcóir do toghadh iad:—

The following are the names of the Deputies returned to serve in the Dáil, together with the names of the Constituencies for which they have been elected:—

**Buirg Chorcaighe (Cork Borough)**—James Joseph Walsh, Alfred O'Rahilly, Richard Henrik Beamish, Mary MacSwiney, Andrew O'Shaughnessy.

**Baile Atha Cliath Thuaidh (Dublin North)**—Richard James Mulcahy, Alfred Byrne, Seán McGarry, Margaret Collins-O'Driscoll, Francis Cahill, William Hewat, Seán T. O'Kelly, Ernie O'Malley.

**Baile Atha Cliath Theas (Dublin South)**—Philip Cosgrave, Constance De Markievicz, Daniel MacCarthy, Peadar S. Doyle, Michael Hayes, Myles Keogh, Charles Murphy.

**Ceatharlloch-Cill Choinnigh (Carlow-Kilkenny)**—Liam T. Cosgrave, Denis John Gorey, John Francis Gibbons, Edward Doyle, Michael Shelly.

**An Cabháin (Cavan)**—Patrick Baxter, Seán Milroy, Patrick Smith, John James Cole.

**An Clár (Clare)**—Eamon de Valera, Eoin MacNeill, Brian O'Higgins, Conor Hogan, Patrick Hogan.

**Coreaigh Thuaidh (North Cork)**—Daniel Corkery, Thomas Nagle, Daniel Vaughan.

**Coreaigh Thiar (West Cork)**—Cornelius Connolly, John Buckley, Timothy Joseph O'Donovan, John Prior, Timothy Joseph Murphy.

**Coreaigh Thoir (East Cork)**—John Daly, Michael Joseph Hennessy, David Rice Kent, John Dineen, Thomas O'Mahony.

**Dún na nGall (Donegal)**—James Sproule Myles, Peter Joseph Ward, Eugene Doherty, John White, Patrick McFadden, Patrick Joseph McGoldrick, Peadar O'Donnell, Joseph Doherty.

**Baile Atha Cliath (Dublin)**—Kevin O'Higgins, Desmond Fitzgerald, Michael James Derham, Kathleen Lynn, Thomas Johnson, John Good, Bryan Ricco Cooper, Darrell Figgis.

**Gaillimh (Galway)**—Pádraig O hÓgáin, H. Seoirse O'Maoilfosa, Pádraic O Máille, Proinnsias Ó Fathaigh, Seoirse MacNiocall, Seán Broderick, Lughaidh E. O Deagha, Tomás O Conaill, Seamus MacCosgair.

**Ciarraí (Kerry)**—Austin Stack, Finian Lynch, Thomas McEllistrum, Thomas O'Donoghue, James Crowley, John Marcus O'Sullivan, Patrick J. Cahill.

**Cill Dara (Kildare)**—Hugh Colohan, John Conlan, George Wolfe.

**Liathdruim-Sligeach (Leitrim-Sligo)**—Alexander McCabe, James Nicholas Dolan, Thomas Carter, Francis Joseph Carty, John Hennigan, John Farrell, Martin Bernard McGowan.

**Laoighis-ObhFáilghe (Leix-Offaly)**—Francis Bulfin, William Davin, Patrick Joseph Egan, John McGuinness, Laurence Brady.

**Luimneach (Limerick)**—Richard Francis Hayes, James Ledden, John Carroll, James Colbert, John Thomas Nolan, Patrick Clancy, Patrick H. Hogan.

**Longphort-Iarmhidhe (Longford-Westmeath)**—Connor Byrne, Patrick W. Shaw, Seán Lyons, James Joseph Killane, Patrick McKenna.

**Lúbhaidh (Louth)**—Frank Aiken, James Edward Murphy, Peter Hughes.

**Muigheo Thuaidh (North Mayo)**—Patrick J. Rutledge, Joseph McGrath, Henry Coyle, John Cowley.

**Muigheo Theas (South Mayo)**—William Sears, Thomas Maguire, Joseph Michael MacBride, Michael Kilroy, Martin Michael Nally.

**An Mhidhe (Meath)**—Edmund John Duggan, Patrick James Mulvanny, David Hall.

**Muineachán (Monaghan)**—Ernest Blythe, Patrick McCarvill, Patrick Duffy.

**Roscomáin (Rosecommon)**—George Noble Count Plunkett, Andrew Lavin,

Henry Joseph Finlay, Gerald Boland.

Tiobrad Arann (Tipperary)—James Aloysius Bourke, Daniel Breen, Louis Joseph Dalton, John Patrick McCurtin, Patrick Ryan, Daniel Morrissey, Michael Richard Hefferman.

Portláirge (Waterford)—Caitlin Brugh, William Archer Redmond, John Butler, Nicholas Wall.

Loch Garman (Wexford)—Richard Corish, Michael Doyle, Osmond Grattan Esmonde, Robert Lambert, James Ryan.

Cill Manntáin (Wicklow)—Christopher M. Byrne, James Everett, Richard Wilson.

Príomh-Seoil Bhaile Atha Cliath (Dublin University)—Ernest Henry Alton, Sir James Craig, William Edward Thrift.

Príomh-Seoil Náisiúnta na hÉireann (The National University of Ireland)—Eoin MacNeill, Michael Hayes, William Magennis.

Tá na Teachtaí seo a leanas tar óis forálacha Airtíogal 17 den Bhun-reacht do chóilona:—

The following Deputies have complied with the provisions of Article 17 of the Constitution:—

Liam T. MacCosgair, Eamán de Blaghd, Desmond Fitzgerald, Eamon O Dúgáin, Mícheál O hAodha, Fionán O Loingsigh, Séamus Breathnach, Domhnall MacCárthaigh, John Good, Tomás MacEoin, Sir James Craig, Seán Príomhdhail, Richard Henrik Beamish, Seán O'Súileabháin, Liam MacSioghuird, Pádraic O Máille, Mícheál O hAonghusa, Osmond Grattan Esmonde, Peadar Mac a Bháird, Liam Thrift, Seoirse de Bhulbh, Peadar O Dubhghaill, Criostóir O Brion, Seán O Duinnín, Henry Coyle, Maighread Ní Choileáin Uí Dhrisceoil, Cornelius Connolly, Séamus de Búrea, Pilib MacCos-

gair, Séamus O Dóláin, Tomás de Nóglá, Liam O Daimhín, Peadar O hAodha, Caoimhghín O hUigín, Pádraig O hOgáin, Darrell Figgis, Alasdair MacCába, David Hall, Tadhg O Murchadha, Risteárd MacLiam, Patrick McKenna, Seán MacGiolla an Riogh, Pádraig MacUalghair, Martin Michael Nally, William Hewat, Próinsias O Cathail, Patrick James Mulvany, Séamus O Loideáin, John Thomas Nolan, Pádraig Mac Fhlannehadha, Próinsias Bulfin, Séamus Mac Cosgair, Seoirse MacNiocaill, Seán O Bruadair, Aodh O Cúlacháin, Ailfrid O Raithile, Thomas O Mahony, Patrick W. Shaw, Andrew O'Shaughnessy, Louis J. D'Alton, Pádraig O Dubhthaigh, John Daly, Patrick K. Hogan, Seán O Laidhín, Donchadh O Guaire, Patrick J. Egan, Aindriú O Láimhín, Henry J. Finlay, Nicholas Wall, Mícheál O Dubhghaill, Conor Hogan, John Hennigan, Seosamh MacGiolla Bhríghde, Bryan Rieco Cooper, Seán Builéir, Eamán Altún, Eoghan O Dochartaigh, Tomás O'Conaill, Domhnall O Muirgheasa, Pádraig O Hógáin, John James Cole, Séamus O Cruadhlaoidh, W. A. Redmond, Tomás Mac Artúir, Liam MagAonghusa, Seán MacGaraidh, Risteárd Ua Maolchatha, Eamonn Ó Dubhghaill, James Sproule Myles, Mícheál De Duram, John Coulan, Domhnall Ó Mocháin, Seán de Faoite, Mícheál Ó Hífeárnáin, Tadhg O Donnbháin, Pádraig F. Baxter, Ailfrid O Broin, Risteárd MacFheorais, James Everett, Maolmhuire MacEochadha, Séamus O Murchadha, Pádraig MacFadain, Seán MacGiobúin, Seosamh MagCraith.

I geóilona Buan-Ordú a 4 táim tar éis cóipeanna de sna riteacha toghacháin agus de sna freagraí a scriobhadh ortha do leaga ar Bhord na Dála.

In compliance with Standing Order No. 4, I have laid upon the Table of the Dáil, copies of the writs of Election and the returns endorsed thereon.

### FÓGRA Ó THEACHTA.

**AN CLÉIREACH:** Táim tar éis an fógra so leanas d'fháil ó Mícheál O hAodha, a toghadh i gcóir Dáilcheann-tair Phríomh-Seoile Náisiúnta na

(I have received the following notice from Deputy Mícheál O hAodha, who has been returned for the Constituency of the National University of Ireland

hEireann agus fós i gcóir Dáilcheann-  
tair Bhaile Atha Cliath Theas.

and also for the Constituency of Dub-  
lin South):—

“ Tigh Laighean,  
Baile Atha Cliath,  
19adh Meadhon Fhoghmhair, 1923.

A Chara,

Do réir forálacha Alt 55 den Acht Timpeal Toghachán, 1923, faisnéisim leis seo gur rogha liom Dáilcheann-tair Príomh-Scoile Náisiúnta na hEireann d'ionadú sa Dáil.

Mise,

(Signithe) MÍCHEÁL O hAODHA,

Teachta a toghadh i gcóir Dáilcheann-  
tair Phríomh-Scoile Náisiúnta na  
hEireann agus i gcóir Dáilcheann-  
tair Bhaile Atha Cliath Theas.

Déanfhaidh an Dáil anois Ceann Comhairle do thogha.

### ELECTION OF CEANN COMHAIRLE.

**THE PRESIDENT:** Cuirim-se os comhair na Dála go dtoghfar Mícheál O h-Aodha mar Ceann Comhairle. The first business on the Agenda is the election of Speaker, and it is with very great pleasure I propose Mícheál O h-Aodha be appointed Ceann Comhairle.

When the third Dáil reached the end of its labours practically unanimous appreciation of the work of the Ceann Comhairle was made by the various members constituting the third Dáil, and tributes were paid to the dignity, harmony, and ability which he had displayed in that very high office. He conducted the business of the Dáil with very conspicuous ability during an exceedingly trying and strenuous time. He had mastered the rules of debate and the orders of the Dáil, and he gave very general and complete satisfaction to all the various parties constituting the Dáil. I think it will be admitted that a very able Chairman may not get the opportunity of showing his ability, but there is no doubt that the great ability which the Ceann Comhairle showed during the third Dáil won for him such appreciation and co-operation from all sections of the Dáil that a more popular selection could not have been made or a more satisfactory one from the point of view of the business of the Dáil.

It is, I think, unnecessary to go into the very many qualifications which the

Ceann Comhairle possesses, not the least of which was his complete mastery of the Irish language and the fact that he was enabled to conduct the business of the Dáil in that language at all times and that he gave it its rightful place in this, the first Assembly of the Nation. I am convinced, personally, and I believe the view is shared generally and generously by the other members of the Dáil that it would not be possible to secure a more capable and efficient Ceann Comhairle. I do feel a very great personal pleasure in moving that he be elected Chairman of this Dáil. I do not believe that it would be possible to get a member of the Dáil more capable of getting contributions from all sides towards the conduct of its business in a manner befitting a dignified Assembly, such as we all hope the fourth Dáil will be. I therefore formally propose that the Dáil do elect Mícheál O h-Aodha as Ceann Comhairle.

**Mr. THOMAS JOHNSON:** Fellow-Deputies, I have the greatest pleasure in seconding the nomination of Professor Michael Hayes as Ceann Comhairle for the fourth Dáil. I said on the closing days of the last Session of the last Dáil that it would be impossible to get a more capable Ceann Comhairle, and it would be very difficult indeed to find one who would equal him. I can add nothing to that. Nothing that has happened in the meantime has altered that opinion. I think I may without very many words advise the new Deputies to follow the advice of those who went to the last Dáil and support

[Mr. Johnson.]

this motion unanimously, not in his interest, but in our interest. We will need an efficient Chairman, and it is in our interest alone that I urge the Dáil to approve of this motion with unanimity.

There were no other nominations and the Clerk declared the motion carried.

**An CEANN COMHAIRLE**, having taken the chair, said:

Is mór an onóir liom gur tógadh arís mé mar Cheann Comhairle na Dála. Ní gádh dom níos mó a rádh ach go ndéanfaid mo dhícheall chun obair na Dála do stuifriú i gceart agus chun an dualgas a bheidh orm do choimhliónadh. Má fhaghaim-se an chabhair agus an congnamh ó gach aon teachta agus ó gach dream agus a fuairéas ins an Dáil eile, ní baoghal ná go mbeidh gach ráth ar an obair. Pé sgéul é déanfaid mo dhícheall mar Cheann Comhairle. Táim an-bhuidheach díbh.

I am deeply sensible of the honour which the Deputies have conferred on me by electing me as Ceann Comhairle of this Dáil. I think there is no need for me to say any more than that I shall do my best to fulfil the duties of that office. If I receive, as I am confident I shall receive, from every Party and every Deputy of this Dáil, the same loyal co-operation with regard to the procedure that I received in the last Dáil, then my task will not be by any means a difficult one. I thank the Deputies very sincerely.

#### NOMINATION OF PRESIDENT.

##### AN t-AIRE UM CHOSAINT

(Risteárd Ó Maolcatha): A Chinn Chomhairle agus a Theachtaí na Dála, deirim-se Liam T. Mac Cosgair d-ainmniú chun bheith 'na Uachtarán arís. Timpeall bliadhain ó shoin, thánamar, annso. Bhí cúram na tíre orainn agus brón mór orainn mar gheall ar thrioblóid na h-aimsire sin. Bhí orainn duine do thogha a bhéadh mar Cheann ar na Teachtaí annso agus ar an tír leis. Dheineamar fear do thogha do dhein an obair go maith. Níor fhéadamar a rádh fé go raibh a ainm 'nár geluasaibh le bliadhanta nó go raibh sé mar stuiftheóir agus Múinteóir duinn i bhfad roimis sin fé mar a bhí Art Ó

Gríobhtha. Níor fhéadamar a rádh go raibh sé mar sgéul 'nár measg, dár ngriósú chun oibre, fé mar a bhí Mícheál O Coileáin. Níor fhéadamar a rádh go raibh a ainm agus a chlú i n-áirde i measg muinntear na h-Eireann. Ach d'fhéadamar a rádh go raibh Liam Mac Cosgair 'na sheirbhíseach dhílis dos na daoineibh a bhí ag obair agus ag troid ar son na h-Eireann. Dheineamar Liam Mac Cosgair do thogha mar Uachtarán. Fear des na gnáth-daoine do b'cadh é ach bhí taithighe maith aige ar sheirbhíseacht puiblí. Thóg sé air fhéin cruadhtan, agus cúram na tíre, chur sé a thoil le thoil Dé agus chrom sé ar an obair. Thug sé air fhein ár gcúraim agus choimhlionn sé an dualgas duinn.

Twelve months ago we found ourselves meeting here, a Parliament of the Irish people, in days of very great sorrow and very great stress. We had to elect from amongst ourselves a man who would take on himself the highest and supremest responsibility for directing our work here along proper lines and for shouldering the great responsibilities of the Government of our people. We had lost the two leaders that we had been depending on for a very long time, the two leaders that we had hoped would be our strength and our guidance in shouldering the great responsibilities that came on the shoulders of the Irish people, the responsibilities of their own government. Deprived, by the will of the Lord, of the services of those men, we had to find from among the members that were elected here by the people, somebody to take their place. At that time or some time later in calling for National discipline, I did feel it necessary to suggest, as we had not then a national party, that perhaps we had not then a national leader, and although we were not able to say, or we could not have said, of Liam T. MacCosgair then that, like Arthur Griffith, he had been a light and a guidance and a teacher to us for many years, or that like Michael Collins he had been, as it were, a legend among us, helping us to rise to our work and our duties; we could say that he had been for years a very faithful servant of those who were



foremost in the work of building up our country and in fighting for its liberty. We did ask one who was to us then a faithful servant of others to take on the responsibilities of leadership. Any doubts that were in our hearts at that time as to whether we had or had not amongst us a national leader have passed.

The person who followed up where Michael Collins and Arthur Griffith had perforce to leave off, has shown himself to be a worthy successor of them in the energy and ability of his mind and in his conscientious application to his duties. The man who entered Michael Collins' room and took his place, as hard and as vigorous a worker as Michael Collins was in giving to us of his best—the man who entered his room here in Merrion Street in succession to him has not been one whit behind Michael Collins in his great energy and great labour and devotion to his duty. There is not a single man whose privilege it was to sit in the last Dáil, who has had, as an individual, some vision of our President doing his ordinary work and going about his own personal work as President and as a man, who has not as a result found strength in carrying out his individual work.

There is no person here who has standing among his own sectional group and who has responsibilities greater than the responsibilities of an ordinary member, who has not some vision of the President acting as a leader among his own people and acting as a leader among the people of Ireland, and who does not in consequence find strength in carrying out his smaller sectional duties in being a leader of a group or a party. Personally, in the peculiar responsibility that did come to me during the term of the last Dáil, the President has been a source of help without which I did not feel that I would have been able to shoulder the responsibilities that came my way. His help, his understanding, his insight, and the way even in which he acted as a corrective, have made very much lighter than they would have ordinarily been, responsibilities of a peculiar nature that were very great.

To-day when the President of our

Nation treads a wider and a more wide-flung field than we have been used to considering or thinking of, it is a very great pleasure and a gratification for us to know that everywhere he went recently on the Continent, whether among Statesmen or among Churchmen or among the ordinary people of those nations that he travelled through, everyone of them was struck with the way in which he devoted himself to the different duties that came his way and by the simple and proud dignity with which he appeared before them as the President of our country. Everyone of you, such is the nature of our President, not only knows him as a public man, but his spirit and his simplicity are such that you practically all know him as a private man, talking as friend to friend, or meeting him in his house, and you do not want any elaboration of that state of things to recommend him to you as your President here.

Now, on the threshold of another period in our National life, in peculiar difficulties we have the joy and we can have the confidence here that we have among us a man whom we can recommend to one another and to our people as a President of a character that has been tested sorely but that has shown itself to be eminently equal to bearing the responsibilities that are the responsibilities of our President.

#### **Professor WILLIAM MAGENNIS:**

It has been said that a speech is a long narrow passage to a broad conclusion. On this occasion my broad conclusion must be very obvious and my passage to it shall not be long. We recommend—the mover and seconder of this Resolution—that the Dáil re-appoint Liam T. MacCosgair because we are so thoroughly convinced that the position is his by that great title, the right divine of superior fitness. It was said by an historian of an infamous Roman Emperor, that by the common consent of all he was the man fittest to rule and that would have been the general verdict were it not for the fact that he had ruled. We may reverse the witticism and declare that it is precisely because Liam T. MacCosgair has ruled us in the Dáil with such eminent proficiency

[Professor Magennis.]

and with such complete satisfaction to every party in the Dáil that we should feel it a dereliction of duty on our part were we not to acclaim him for a repetition of the same office. He has one element of outstanding unmistakable character as befitting him for leadership. Politics, though so frequently despised by cynics and condemned by flippant writers, is one of the great arts of life, and the good politician should be a practised artist. What we demand of the great artist is a knowledge of the material in which he works and a mastery over it, exercised through an exhaustive knowledge of its capabilities, and more especially of its limitations. The material in which our artist-politician works is human nature—his fellowman. A knowledge of his fellowman, how far he can be led, to what extent he can be influenced, and what he can be induced to do, is one of the necessary elements in the equipment of a leader. To my critical vision the one quality of his many great qualities that stood out in the exercise of the President's office in the late Dáil was the manly suavity that he invariably displayed. It was not the genial weakness of a man pandering to others to create an artificial majority and to maintain it, and that is why I characterise it as a suavity that was manly. He had unfailing patience, as many of us are in a position to testify, and he had a very rare gift of not being impatient of criticism. I think we shall all agree that success in the leadership of this Dáil will depend largely upon an infinite capacity for patience. There is another quality which he possessed in large measure, and that is a sense of the right moment for a just and wise compromise. The power of compromise, the disposition for it, and the wisdom to know when to exercise it, are unfortunately wanting in too many Irishmen. Irishmen as a rule are possessed of such strong convictions, they are so ardent in the pursuit of the things they hold sacred and to which they have consecrated their lives, that they must regard, or seem as if they must regard, everyone opposed to them as a public enemy and to be dealt with in summary

fashion. Our President—for I may call him so already by anticipation—has that proper sense of compromise, not in the cowardly form of weak concession, but in the wiser form, which is a sort of political navigation of a ship through difficult waters in tempestuous weather. I promised my speech would not be long. I feel I have already broken my promise, and lest I should fail still further in my undertaking I confine myself now to saying that I have never made any pronouncement with more genuine conviction and with a sincerer sense of pleasure than that I am going to make now: while I recognise that Ireland has displayed her marvellous resourcefulness in throwing up great men at the moment when they are most needed—and we have seen in the old Dáil a manifestation of greatness in many of our colleagues—yet I regard the present candidate for the office of President as the man of men amongst all these. With that I leave it.

Motion put and agreed to.

**The PRESIDENT:** I have much pleasure in acknowledging the great honour which has been conferred upon me by this Dáil. I do not think that in the ordinary acceptance of our procedure here that it is assumed that I should make any pronouncement now. I do undertake to discharge the duties of this office with the help of God to the best of my ability. I gave that undertaking last year and I am repeating it now. I think that on more than one occasion I have stated that the success of most of the offices of the State, including that of the office to which I have been elected, depends upon the amount of assistance and co-operation rendered by the other institutions of the State. During the past year I have had no cause for complaint in that respect. I and the other members of the Executive Council with me have received that co-operation and assistance from all the institutions of the State, and from both Houses of the Oireachtas. We have been very much heartened by that support, cordial co-operation, and assistance. It has made a year of hard work and of strenuous effort a pleasure. It was a great satisfaction to us then, and I hope that

the same satisfaction awaits us in this, the fourth, Dáil. The general principles of the policy which I intend to recommend for acceptance in the first place to the Executive Council and then to the Dáil have been already outlined. Within a short period a more complete outline of them will be disclosed here in the Dáil. We have passed through a strenuous and a hard time and I think I may say that I echo the hope of every member in saying that I hope that happier times await us in the future.

**Mr. GOREY:** Before the next item on the agenda is proceeded with, I beg to give notice that on the adjournment I shall move the following motion:—

“That reasonable facilities be accorded to the Deputies returned at the recent election in the Sinn Féin interests to meet.”

**AN CEANN COMHAIRLE:** The Deputy cannot move a motion but can only raise a matter on the adjournment motion, under the standing orders.

**Mr. GOREY:** Then I beg to give notice that I shall raise this matter on the motion for adjournment..

### JOURNALS OF THE HOUSE.

**The PRESIDENT:** I beg to move: “That the proceedings of the Dáil be prepared under the supervision of the Clerk, and be printed, after being perused and signed by the Ceann Comhairle.”

“That the proceedings so printed constitute the Journals of the House.”

**Mr. DUGGAN:** I second the motion. Motion put and agreed to.

### BUSINESS OF THE DAIL.

**Mr. DARRELL FIGGIS:** Before the adjournment motion be taken may one enquire exactly what will be the procedure for the next few days, and what business shall be taken? If a statement could be made to that effect by the President, now that he is elected, I think it would be for the convenience of Deputies.

**AN CEANN COMHAIRLE:** The Order paper for to-morrow, as at present drawn up, is:—“(1) Nomination

of the Executive Council by the President.” That is in accordance with the Constitution. “(2) Motion by the President with regard to Ministries, the holders of which shall not be members of the Executive Council. (3) Motion by the President for the appointment of a Committee in accordance with Article 55 of the Constitution.” That is to say for the appointment of a Committee to recommend to the Dáil the names of Deputies who shall be Ministers but not members of the Executive Council. The Committee under the Constitution must be appointed so as to be representative of all parties and it was appointed on the last occasion on the principle of the single transferable vote.

**Mr. JOHNSON:** Will An Ceann Comhairle say whether the terms of these motions will be on the Order Paper?

**AN CEANN COMHAIRLE:** It will be impossible for the terms of the second motion with regard to Ministries to be on the Order Paper until the names of the members of the Executive Council are disclosed, and also the name of the Ministry which each member of the Executive Council shall hold. In so far as that information is not available the names of the External Ministries will not be on the Order Paper.

**Mr. DARRELL FIGGIS:** Are you in a position to inform us when we may expect to have the Governor-General's speech?

**AN CEANN COMHAIRLE:** I have no information on that matter.

**The PRESIDENT:** It might be information for the Deputies if I say that it will not be taken earlier than Tuesday week. I may announce that it is our intention in the event of that resolution passing to accept nominations up to 12 o'clock on Saturday, and we would require another meeting of the Dáil for the election on Tuesday.

**Mr. A. BYRNE:** Will the Dáil sit on Friday? .

**The PRESIDENT:** It is not intended at present.

**Mr. A. BYRNE:** Would you allow me, a Chinn Chomhairle, to raise a matter on the adjournment in connection with a circular which emanated from Mountjoy Prison on Friday evening as regards the conditions which are stated to prevail there, and to ask whether an enquiry would be held at once into the contents of that circular for the purpose of either repudiating it or altering the conditions which the circular states exist. I would like to get a few words in on the motion for the adjournment when the leader of the Farmers' Party raises the other question.

**Mr. GOREY:** Allow me to correct the Deputy. I am not in that position.

**AN CEANN COMHAIRLE:** It has been our practice to allow only one matter to be raised on the motion for adjournment, and notice has already been given by Deputy Gorey.

**Mr. A. BYRNE:** In view of the great urgency of this matter and the sensational statements in this circular which is going broadcast over the country may I ask now whether the Ministry would take immediate steps to hold an enquiry? There were two statements submitted to me by a deputation which called on me in connection with another public position which I occupy. If the statement in the circular is not true I think, in the interests of the Government and of the Dáil, it should be repudiated, and the only way to settle the matter is to have an enquiry. If it is true I should say that those who are in authority in the prison, and have been named, should be removed from their positions which they occupy. I will hand over the documents to the President and the Minister for Defence for investigation.

**General MULCAHY:** I do not know whether I ought to deal with this matter here. I have not seen the documents that Deputy Alfred Byrne refers to, but I am aware of what the conditions are in Mountjoy gaol. There are no conditions there that any objection can be taken to. Certain disciplinary action had recently to be taken in Mountjoy gaol, but that action was taken to uphold the regula-

tions that are absolutely necessary for prison discipline.

**Mr. A. BYRNE:** I will hand to the Minister the documents that I have referred to.

### THE ADJOURNMENT.—POSITION OF ANTI-TREATY DEPUTIES.

**The PRESIDENT:** I beg to move the adjournment of the Dáil until tomorrow afternoon at 3 o'clock.

**MINISTER for EXTERNAL AFFAIRS (Mr. D. Fitzgerald):** I second the motion.

**Mr. D. J. GOREY:** I beg to raise the matter of which I gave notice earlier, namely that reasonable facilities for meeting be accorded to the Deputies returned at the recent elections in the Sinn Féin interests. I do so for the reason that every sane man recognises the critical position of the country. The agricultural industry is at a standstill, and I am speaking as one who has an intimate knowledge of it. The agricultural industry of this country is in a most critical condition. Never in my time, and I can remember since the eighties, have I known the industry to be in as critical condition as it is to-day. I can say that never before was it faced with a graver or darker outlook than it is faced with at the moment. The nation, and the component parts of the nation, whether as individuals or the nation as a whole, are faced with the question of bankruptcy. Bankruptcy is staring the industry in the face, and it is time that some means should be found so that the elements in the nation could mend themselves and be put upon solid grounds and carry on under normal conditions. At the present time we have very little else besides bitterness, jealousies and recriminations. I have been speaking to men on both sides, and I do not think there is any man with any sense of responsibility but regrets the present position. There are men without responsibility who do not regret the position, because it enables irresponsible men to do things that in normal times could not be done. But every responsible man on both sides that I have met, every man who loves the country, regrets the present position, and wishes he could see a means towards a happy ending of it. We,

too, on these benches here, wish that a happy ending would take place, but the position as far as we can see it does not seem to mend itself, or does not seem to give any indication of moving in that direction. At the outset, I ask that our action here be not misconstrued in any way. We do not pretend that we have found a solution of the difficulty, but in all matters affecting the life of the nation we are determined to maintain an independent and constitutional attitude and steadfastly pursue what we believe to be right.

I said a moment ago that we are not so bold as to claim that we have found a solution of the difficulties that beset the life of the nation, but we have sufficient regard for the fair fame and good name of the country and of its future, honestly to endeavour to bridge over the minor difficulties that stand in the way of a final solution of the main question. Men hold different views regarding the release of the prisoners, and to be quite candid the average man in the country has not had an opportunity of making up his mind on the question. Some hold that the prisoners should be released unconditionally; on the other hand there are those who hold that the prisoners should not be released unless the arms and ammunition, the dumps and the other paraphernalia of war, if such a thing exists, should be handed up; and again there are others who hold that sufficient assurances are contained in the recent utterances of Mr. de Valera in regard to constitutional action in the future which should result in bringing about the immediate release of the prisoners unconditionally. Now, all this to my mind, and to the minds of the people I am connected with here, indicates a great diversity of opinion, but the main difficulty arises from the fact that the people are not really aware of what is the real policy of the Sinn Féin party, and I say that as one coming from the country. My opinion is that the average man in the country is not aware of what the policy of these people is. They are not aware whether these people are going to pursue the attainment of their objects by constitutional means, or whether they arrogate to themselves the right

to resort again to unconstitutional weapons. As the matter stands, one can understand the difficulty as there is no authoritative definition of what their policy is likely to be. Some Sinn Féin Deputies are in prison, some are on the run and a few who are free must find it impossible to take counsel with their brother Deputies. Taking into consideration all the circumstances, we consider it is essential, in the interests of the nation, that the Sinn Féin Deputies should be accorded reasonable facilities to meet, and it is for that reason I have raised this matter on the adjournment. We, on these benches, have been approached, as perhaps most Deputies in the Dáil have been approached, as to what our attitude is to be on certain matters, as to our attitude with regard to the release of the prisoners and with regard to other questions. We are not in a position, and neither is the average man in the country in a position, to make up our minds until these other people get an opportunity of meeting, and of giving a clear answer to certain specific questions. We want to know whether the militant method is going to be left aside, and the constitutional method adopted or not. It is time that the country had a clear answer on that issue, and it is time that these 44 men had an opportunity of meeting and saying whether the constitutional method is going to be their method, or whether they reserve to themselves the right of going into the unconstitutional field again. That is why I have raised this matter to give them an opportunity to declare what their policy is going to be.

**Mr. MILROY:** I am afraid that the knowledge of the last speaker who raised this matter about Sinn Féin is very inadequate. He speaks of allowing the Sinn Féin Deputies who are in prison to be released and of giving them an opportunity to meet. So far as I know most of the Sinn Féin Deputies are at large and are here present to-day. I believe an old device used by certain pirates when they approached a victim ship was to hoist a friendly flag and when they came near the ship down came the friendly flag and up went the Skull and Crossbones. These gentlemen and ladies

[Mr. Milroy.]

for whom Deputy Gorey has so much solicitude have reversed the process and hoisted the Skull and Cross-bones until they could do it no longer, and now they hoist the friendly flag of Sinn Féin. I deny that they are the Sinn Féin Party. I deny that they have any right to speak in the name of Sinn Féin. We are here acting in that principle to establish the right of the Irish nation to decide its own fate. We attempt to prevent that from external or internal aggression. Deputy Gorey says that the average man has not had time to make up his mind.

**Mr. GOREY:** I do not think I said anything of the sort.

**Mr. MILROY:** Well, I made one mistake. The average man had not an opportunity of making up his mind. I am glad of the correction; I like to be corrected in my quotations. Who is the average man? Is Deputy Gorey an average man?

**Mr. GOREY:** When I am sober I hope so.

**Mr. MILROY:** Well, I hope that gentleman is in that average state at the present moment. But at any rate, whether he is or is not an average man, he seems to have been incapable of making up his mind as to what Irregularism has meant up to the present. We have had over twelve months of very clear demonstration of what those 44 elected representatives of the people stand for and what they mean. Is there any man, any Deputy here, who has not made up his mind as to whether or not that is a good or a bad thing for this nation? Is there any sane human being within the four shores of Ireland who has not made up his mind as to whether the burning of houses, the breaking of bridges and destruction of the economic life of the country is a bad thing, a damn bad thing, for Ireland? I hope by the time I have finished that Deputy Gorey will have made up his mind. Those 44 Deputies to whom Deputy Gorey has referred are rather a mixed grill. There are certain of them at large because really they had not the courage to take the desperate steps their

colleagues took. I do not know whether Deputy Gorey means to give, say, Mr. Frank Aiken, facilities for expounding his theory of poison gas. I suggest that Deputy Gorey would ask that particular Deputy to go down to his constituency, to his own holding, and expound the theory of poison gas there. It is true that certain of these Deputies are cooing like sucking doves. They talk about peace and unity and concord and the salvation of the nation. They would be better employed for the next ten years in saying Acts of Contrition. They would be better employed in showing the country how to repair the ravages of war that they have brought upon it without provocation, unless the provocation be that we declined to assent to the principle that all authority within the State, legislative, judicial and administrative, should be derived solely from Mr. De Valera and Miss Mary McSwiney. So far as I understand the attitude of the Government, so far as I understand the elementary principles of common sense and of democratic Government, these persons can meet unmolested the moment they assent to this principle that the will of the majority shall prevail in this country, but if they persist in the attitude that they have adopted up to now, that the will of the majority shall go down before a self-selected clique, a small minority, I say, if I had anything to do with the Government, that they should never meet together to try to spread that principle or doctrine. There is not one man or one woman interned by the Free State Government so far as I know who cannot walk out of jail to-morrow the moment they assent to the principle that Government of the people, by the people and for the people shall be the fundamental rule of authority in this country. Deputy Gorey speaks about both sides. I thought we had heard enough of that cant in the last Dáil. That may be an unparliamentary expression, but one cannot resist alluding to this kind of peculiar terminology in some emphatic way. What are both sides? I recognise no both sides in this question any more than I suppose the Almighty recognised two sides when Lucifer tried to set up a rival govern-

ment with a minority in the celestial regions.

**AN CEANN COMHAIRLE:** There must be no applause in the Gallery and if anyone else applauds in the Gallery he will be removed.

**Mr. MILROY:** I think that was applause from the celestial region. There can be no question of two sides in this matter. Either the people must prevail or the Nation goes down in chaos and confusion. Either the will expressed by the people must be accepted as the definite and unchallengeable basis of law or the terms law, Government, and democracy become so many shibboleths that have no meaning to a sensible being. I do not really understand what Deputy Gorey is driving at.

**Mr. GOREY:** You had a right to wait then before you replied.

**Mr. MILROY:** I do not really understand what was his purpose in raising this matter unless it was to get a column and a half of his prepared speech in to-morrow's Press. I think that he might have saved the Dáil all this discussion if he had written a letter to the Press and signed his name to it. But there is another thing that has struck me, the singular transformation of the Deputy since the last Dáil. In the last Dáil we had Deputy Gorey rampant against the Irregulars.

**Mr. GOREY:** And he is still.

**Mr. MILROY:** But there was this difference, an election was then pending and the election is now over. Deputy Gorey is now elected for four years. At the beginning of this Dáil I think that it is time to stop this attempt to appeal to the gallery, this attempt to figure in the limelight for the sake of cutting a figure. I think the time has come to stop talking and to get on with the work of the nation.

**Mr. R. WILSON:** The simple question which we raised this afternoon, that we asked that the 44 people who are representing, each perhaps 6,000 citizens of Ireland, should be given an opportunity to consult together, has brought forward an effusion such as

that, and if we were to depend on effusions like that in this Dáil and if we were to take a speech like that of the last Deputy as voicing the views of the people of Ireland, then I would say that our case is hopeless. We are asking what is only a reasonable request. These 44 people who have had no opportunity of coming together, and to whom under these laws you were supposed to have sent notices to attend here, are not in a position to come together. They are inside prison walls and on the hillsides, and are not in a position to give expression to their views in order that their followers in jail might be advised by them in the right direction, to follow the Constitution and to come in here and work with us. Is that a reasonable request, or is it not, and why should it bring forth from the back of the Government a man who instead of meeting the question has turned it into ridicule, and has dealt with the past, refusing to look to the future? All our hope and strength lies in meeting the future united and not wasting our strength in these weakening attempts at destruction and turmoil. After all, they are not a minority that are to be unrecognised; everyone of the 44 members of the 153 is a member who must be recognised. I myself am very much disappointed that there were in this country 44 people who could be brought into this Dáil with the opinions which these people hold, but I must look at the facts and I must say that these people have been elected, and it is our duty to do the best we can for the country, and give them every facility to come together and formulate their policy. If we could induce them to come inside and work through the Constitution in this Dáil we would be doing something for the country, and something which would enable us to let out the prisoners and get to work for the economic development of the country, which is badly needed.

**MINISTER for AGRICULTURE (Mr. Hogan):** I am genuinely surprised that a matter of this importance has been brought forward in this fashion by the Farmers' Party.

**Mr. WILSON:** Most interesting.

**Mr. HOGAN:** And I think it is likely that every thinking Deputy outside the Farmers' Party in the Dáil at the moment is also genuinely surprised. It was brought forward first by way of resolution. Surely the Farmers' Party knew that they had to give notice of motion. I can hardly make myself believe that they did not, and even if they were under the impression that they could deal with a question like this by a motion without notice surely they believe it was one of those matters so important that at least other Deputies who have an equal interest in the country should get notice of it.

**Mr. GOREY:** I agree.

**Mr. HOGAN:** But, as I say, I cannot believe that they were under the delusion that they could move a motion without notice. Now we have it on the adjournment. What is the point of raising a matter like this on the adjournment? What is the urgency? Is it suggested that the matter could not wait for four days, and that we could not all get notice of it, or is it one of those casual, trivial matters that could be decided off hand? It is not the business of the Farmers' Party. Those Deputies, Sinn Féin Deputies as Deputy Gorey calls them, are amongst the people and represent the people, ten thousand or fifteen thousand of whom we have now in gaol. It cost us £50,000,000 to put them in, it cost us the lives of many gallant men to put them in, and it cost us the life of Michael Collins. Do the Farmer Deputies suggest as reasonable men that a question like this should be decided on a moment's notice on the first day the Dáil meets? Is that the suggestion? Now it is a serious matter. I can understand any Deputy from any party putting down a motion on that, but not discussing it on the adjournment of the Dáil. I suggest that we have got just far enough with it

**Mr. LYONS:** The matter that has been raised by Deputy Gorey on the adjournment is the same as the question raised by me on the first stage of the 1922 Session of the Dáil. I only want to ask one question, and that is whether the 34 members interned have got the opportunity from the Government of deciding whether or not

they would come in and work with the remainder of their colleagues selected by the people of Ireland? I want some Minister, probably the Minister for Defence, to answer whether they have received any written notice that if they had decided on attending this first Session of the Dáil that they would be released and get sufficient guarantee that they will not be arrested, and especially so with regard to the nine men or women Deputies who are not interned. Now, from the arguments put forward on behalf of the prisoners by Deputies Gorey and Wilson one would imagine that all the prisoners interned belong to the Farmers' Party.

**Mr. WILSON:** Not at all.

**Mr. LYONS:** As an Independent Labour man I say that there are more workers interned than there are farmers' sons.

**Mr. GOREY:** Very interesting.

**Mr. LYONS:** The point that Deputy Gorey and Deputy Wilson are going on is that there are pending elections for County Councils and District Councils. I quite agree with the motion raised on the adjournment advocating the release of prisoners. Deputy Milroy said a moment ago that any prisoner has the opportunity of coming out if he is prepared to act according to the will of the people. Now, would it be information to Deputy Milroy to know that there are several prisoners to my knowledge who have signed the usual form of undertaking six months ago and they have not yet been released?

**Mr. MILROY:** Would the Deputy understand that certain people who signed that are not prepared to act on it?

**Mr. LYONS:** I am afraid I will have to allow the Dáil to decide as to whether or not they are prepared to do so, but I know they have signed it. If the 44 Deputies elected by the minority come in here and take their seats and act according to the wishes of the Irish people I am sure that no Government elected by the people of Ireland will keep their followers in prison. They are selected



by the people to do the work of the people, as employees of the people, and I think it is only right that they should get the opportunity of voicing their opinion as to whether they will accept that position, or not, by giving them the option and a sufficient guarantee as was given to many Deputies in the Dáil in 1920 by the British Government who were at that time interned. That guarantee was given to Deputies then, and to members of the present Government, and other Deputies, that they would get a free pardon and sufficient guarantee that they would not be arrested if they came in and acted in the first Parliament of the Irish people. I think the same facilities should have been given to the people arrested and interned during the recent trouble. I congratulate Deputy Gorey and Deputy Wilson on the fact that they have laid a foundation stone, and that they are going to swell their representation in the County Councils and District Councils.

**The PRESIDENT:** It is a matter of very great surprise to me that this motion or discussion should be raised at this particular time. It appears to me to be a constitutional complexity to say the least of it. In the first place if it were a matter of serious moment it occurred to me that it ought to have been raised on the question of the election of President. If it were not thought advisable to raise it at that particular juncture in our proceedings I should say it might reasonably have been raised on the nomination by the President of the other members of the Executive Council. But the manner in which it was raised, and the statement made on its introduction appear to me to be extraordinary. I should say that two members of the Dáil—I believe they are here, I have not seen them though I am sure they are here—informed me that they were approached within the last fortnight, close upon midnight—the hour selected, I believe, was after ten o'clock—by men who came to them with a document to sign. On that document was the request that they would raise questions here; first for the release of prisoners, and secondly for the alteration, or to put it

in their own inimitable phraseology the provision that no bar and no obstacle should stand in the way of any man taking a seat here in this Dáil.

Now, mark the particular method adopted. If an honest man has got a bargain to make with you it is not near midnight he comes to make it, and he does not usually bring two or three aides-de-camp with him when he is going to make a bargain unless you are not going to be a free agent in the bargain. As I see the situation it comes to this—and I am the only person here now with serious responsibility with regard to the matter; the other members of the Executive have not been nominated; they still hold their offices as Ministers—to raise this matter now and to put upon one person the responsibility of answering it is a thing I am sure the Deputies will appreciate. The position was unquestionably decided by the people in the recent Election. One hundred and nine Deputies were returned, not one of whom put on his placard that he stood for one or both of those conditions put by the midnight visitors. If he did I am satisfied that on that issue the return of those who stood for a programme such as that would not have been as secure as it has been. Those forty-four people have been returned. Are they the petted children of this Nation? Must the Nation stand to attention while these forty-four are making up their minds whether they are to pass through the doors of this representative Assembly; whether or not they will honour this country by coming in here without first apologising to the Nation for the blood they have spilled, the destruction they have caused, and the horrible twelve months through which we have passed? Any time during that period, the whole of the eighteen months, and certainly for the first six months, we actually brought the Treaty into jeopardy, brought it to the very edge of the abyss in order to try and bring back those men to a sense of their citizenship to this Nation. When that failed and even after we had attacked them, many a time we offered here not only to make peace with them but even to get out, only on condition that they would get out too. What was the

[The President.]

response? Our houses were burned, some members of our families were shot, and now we read in the Press, from the relative of one of these prisoners, the squeal that ten days have elapsed without getting a reply to a letter she sent to her husband. How many graves are there in Ireland from which no letters will ever come? How few squeals are there from the people who have made these sacrifices that this Nation should stand for the elected rule of the majority? Not one. I have not heard a squeal from one person whose family has made sacrifices for the right of this country and the right of citizenship and for the right of mapping out and marking out its progress and advancement.

Posturing Republicans! Ridiculous politicians! They ask and they demand of the people in Ireland that they should call themselves Republicans. For years I subscribed to that and fought for it as hard as any of them and my friends here have done likewise. What was our revenue in two years? The revenue of the Dublin Corporation. That is what they want to condemn the people of this country to with their nonsense—not one single month's revenue of the State we are now administering. That is what they want to condemn the people of this country to, in the future, in order that a few of their so-called intellectuals shall decorate themselves with the order of Commandant-General, or President, or Vice-President, or Acting President or something of that sort. They ask us now, having failed in doing their damndest to get the British back here, they ask us now to pitch away in a moment of sentimentalism what we have gained, in order that they may be allowed to walk in through these doors and to say here in this Assembly of the Nation: "We are men and women of principle." The possession of that word is one of their conservations. Is the future political history of this country to be written in this manner: that a man or woman has only to get into jail and has only to stand for election and get elected, and our courts and our institutions, and the order of citizenship that we have established, are to

be swept away in order that a number of persons returned in a constituency perhaps under false pretences, can order the Courts to open the doors and demand their freedom and do and say whatever they like? Forty-four of these people have been elected; eighteen of them are in jail. What are the twenty-six doing? What contribution are they going to make to the stability of this State? What apology have they got to make for the wrongs they have done this country? Until we get some evidence of a real change of heart I say it is not for us to be swept off our feet by sentimentalism because an actual minority of forty-four people say they are going to determine and mark out the progress of this country.

**Mr. GOREY:** Can I not reply?

**AN CEANN COMHAIRLE:** No.

**Mr. GOREY:** Can I not make a personal explanation?

**AN CEANN COMHAIRLE:** Yes, the Deputy can make a personal explanation, but it must be a personal explanation.

**Mr. GOREY:** The President has referred to men being waited on in the night. I have been waited upon in the night without an Army to protect me. So have other Deputies here been waited on, and they have flatly refused to sign those undertakings. The object of raising this motion here was not to pander to anybody. It was merely to ask a definite answer from these forty-four representatives whether they accepted the Constitutional platform or not. Then we would know what to do.

**AN CEANN COMHAIRLE:** That is not a personal explanation.

**A DEPUTY:** What are you going to do with the murderers in that forty-four—?

**Mr. GOREY:** Deputies have made personal reflections on us across the floor.

**AN CEANN COMHAIRLE:** Order. The Deputy must sit down. The Motion is that the Dáil do now adjourn until 3 o'clock to-morrow.

Motion agreed to.

The Dáil rose at 4.45 p.m.

# DÁIL EIREANN.

DEARDAIN 20<sup>ADH</sup> MEADHON  
FHOGHMHAIR, 1923.

(Thursday, September 20th, 1923.)

Do chuaidh an Ceann Comhairle i  
g-Ceannas ar 3 p.m.

## NOMINATION OF THE EXECUTIVE COUNCIL.

**The PRESIDENT:** My nomination as President of the Executive Council has been approved by the Governor-General, and I now beg to submit formally, for the assent of the Dáil, the names of the following Deputies as members of the Executive Council:—

Deputy Kevin O'Higgins as Vice-President and Minister for Home Affairs;

Deputy Ernest Blythe as Minister for Finance;

General Richard Mulcahy as Minister for Defence;

Deputy Joseph McGrath as Minister for Industry and Commerce;

Deputy Desmond Fitzgerald as Minister for External Affairs; and

Deputy Eoin MacNeill as Minister for Education (when he will have complied with Article 17 of the Constitution).

I regret that I have found it necessary to consult the members of the old Executive Council—those of them who are present—with regard to the Ministry of Finance, and that I do not feel justified in keeping that portfolio myself. I have asked the Deputy who has been Minister for Local Government to accept that portfolio, and he has kindly consented to do so, with the approval of the other members of the Executive Council. I do not think it is necessary to do more than formally move for assent, and I now formally do so.

**Mr. THOS. JOHNSON:** The motion that has been made by the President of the Executive Council asks the Dáil, in effect, to approve the re-election of the same Deputies to act with him as an Executive Council as have been so acting for the last year. He is quite entitled to do so, and it is necessary that the President should call to his aid those persons who may have the confidence of the Dáil and the country to act with him as the Government of the country. It seems to me that before the Dáil approves of this selection, we should have something to say, and we should hear something from the President in regard to the intentions of this Ministry, and rather to suggest to the new Executive Council which will be elected certain lines of policy which the Dáil thinks, or the individual members of the Dáil may think, should be carried out by this Ministry which has now been nominated. The fact that the same Deputies are to be associated with the President in the future suggests that there is no change in policy, or if there is to be a change in policy it seems to me, at any rate, that we might have some indication from the President as to what his mind is in calling these gentlemen to his assistance in the Government of the country.

It may be said that the party which the President leads has been returned by a majority to the Dáil, has presented a programme to the country, and has got the confidence of the country for that programme. I have followed, as carefully as it has been possible for me to follow, the various statements made officially by that party and by the President, and I have failed to divine what is the intention in regard to policy of the President and his party. We know, of course, that what was put before the country was the re-establishment of peace and the maintenance of the Constitution. Well, that, of course, is a kind of thing that is usually put before an electorate by a Ministry which has happened to come through successfully military disputes and military conflicts. We are all old enough to remember the khaki election in England and the results of it, and, I think, the Dáil should express itself rather upon other matters, such as the means

[Mr. Johnson.]

whereby that Constitution is to be consolidated and the intentions of the Government regarding the problems that are really important. We heard, of course, officially from the President and his organisation that it was the intention of the party and the Government to deal with problems of reconstruction, house-building, industrial development, industrial disputes, domestic and foreign trade and commerce, agriculture, fisheries, manufactures, transport system, etc. Well, the Ministry to be established will necessarily have to deal with these things; but what we really desire to know is what method will be adopted in dealing with them; what is the purpose of that method; what is the policy that is intended to be carried through in dealing with these various problems. I would like this occasion to be used in such a way that the Dáil may express its views upon the methods of dealing with these problems.

We have in this motion an intimation that Deputy Kevin O'Higgins should be appointed as Vice-President and Minister for Home Affairs. I could, perhaps, with pleasure to myself, perhaps displeasure to many Deputies of the Dáil, require some enlightenment and utter some words of criticism regarding the policy of the Ministry of Home Affairs during the past month or two, since the Dissolution, and make suggestions regarding the immediate future of the policy of that Ministry. I might deal with the question of the imprisonment and internment of 10,000 to 15,000 people. I might deal with the question of the treatment of internees and prisoners. I think it is the duty of someone to be here to deal with those questions and to raise them and to criticise the policy of the Government with regard to them. But for my part it has been intimated fairly and clearly by the electorate that they do not desire that we, of the Labour Party, should take the responsibility of criticising Government action upon these matters.

**Mr. O'CONNELL:** Hear, hear.

**Mr. JOHNSON:** Questions of this kind have, if we interpret the intentions of the electorate rightly, been

relegated rather to the Deputies of the Government Party and to the Deputies of what is known as the Republican Party, and I have the right to assume that both these Parties will accept the responsibility which has been imposed upon them. While saying that, I want to say as definitely as it is possible to say that we stand where we stood all through last Session in saying that men and women who have been arrested, men and women especially who have been arrested in time of peace or comparative peace, ought not to be detained one hour beyond the necessary time that is required to bring them to trial. We say, as definitely as it is possible to say, that in our opinion these men and women ought to be released, and we are prepared to vote for any proposition brought forward with that object in view, by any person who deems it to be his or her responsibility to raise that question in this Dáil. But our interests rather lie in questions of social and economic difficulty, problems that I fear are going to prevent the re-establishment of peace and the stabilisation of the State, unless they are dealt with on lines very differently from those hinted at and suggested by the Government, and the Government supporters, whether in the country or in the Dáil in the last Session.

So far as I can see the mind of the Government is running in the direction of allowing the development of economic affairs to follow the beaten path, and to trust to the ordinary operations of commerce and exchange to bring about prosperity in this country. During one of the Debates in the Dáil last Session I drew attention to the state of unemployment in such countries as Norway, Denmark, Sweden, and the Netherlands, each of which countries is somewhat in the same position as Ireland is towards the neighbouring countries. Economically each of these countries lives to a very great degree, indeed, upon export trade, upon the markets abroad. The figures which I quoted in that discussion showed that even such a country as Denmark, which was prosperous as an agricultural country, comparatively prosperous, had within the last year a percentage of unemployment as high

as twenty-five, and Sweden had a percentage of unemployment as high as thirty-two in March, 1922. This country is dependent for the export market upon prosperity in England. You are trusting to the development of the ordinary methods of commerce, and you are hopeful that the times will grow better in this country, with the coming of military peace, and that the trade of this country will revive, and a market will continue to be found across the water for Irish produce. That is the proposition, that is the mind of the Ministry, that is the mind of the supporters of the Ministry in this country.

The market in England is not improving. We were told by leading British industrialists three or four weeks ago that they expected, as things were going, an unemployed population in Great Britain of two millions. It is steadily rising since the middle of the summer, notwithstanding the fact that twelve months have elapsed since the enforcement of the wage reduction campaign in that country. People in England were told by the employers there that they must accept reductions in wages if they wanted to improve trade, to regenerate the commercial system. Reductions were enforced, but the promise has not been fulfilled. Trade and commerce have not improved, and unemployment has increased. The market for Irish goods has decreased in that country because of the decrease in employment, and because, still further, of the reductions in wages of those who are employed.

I want to know whether it is the intention of the Ministry here, whether it is the mind of the Government here, or, shall I say, whether it is the mind of the majority on the Government benches and those behind the Government benches, to continue that policy and to assist and encourage the present policy in this country towards reduction in wages. The plea is put forward here, just the same as it was in England, that employment can only be revived by reductions in wages. That was the cry in England, and it has not been fulfilled. Is there any reason for thinking that reductions in wages in Ireland will be followed by an increase

of employment in Ireland to any appreciable extent? I deny it. I say, on the other hand, as I said before in this Dáil, that the true policy is to keep up wages and to readjust your economic system in such a way as to ensure that those high wages will be spent in the purchase of Irish commodities. I want the Ministry to realise, and I want some of the new members of the Dáil to realise, that even though trade were to improve to an unexpected extent in England within the next few months, that in itself is not going to improve your industrial prospects in this country. Everyone who has studied these matters knows that the power to produce cheaply in this country, even on similar rates of wages, is not as great as the power to produce cheaply in England, or one might even say in Germany, or in any of the continental countries where the standard has been lowered within recent years. But the power to produce cheaply of our industrial manufacturers in this country is not as great as the power to produce cheaply in England. During the European War we all know how manufacturers took advantage of the opportunity of lavish expenditure of Government funds to enlarge their establishments, to improve their facilities for production, and generally blind the Exchequer by spending what should have been paid in taxes—excess profits tax—in the refurbishing of their machinery and their productive processes. That was not done to anything like the same extent in this country, because the foundations were not there, and your comparative position for cheap production in Ireland as compared with England is much worse than it was prior to 1914. Assume a revival of trade in England, where are your competitive industries to be? That revival of trade in England means an easing of the opportunities for those cheap manufactures to come into Ireland and to compete with your Irish manufactures. Neither the hope of improved conditions in England nor the hope of lower wages in Ireland are going to make your industrial position satisfactory.

I want to say to the President that if his Ministry, when formed, tends to

[Mr. Johnson.]

proceed on the lines of least resistance, simply to allow the ordinary processes of commerce as they have been known in the past to proceed and develop of their own volition, seeking the highest profit irrespective of human effects, seeking to buy in the cheapest market and to sell in the dearest, then the industrial and economic position of this country, in my opinion, is going to be a very bad one indeed, and any hopes that the country had that the revolution which has been accomplished would lead to improved material life for the people would be lost and unfulfilled.

We have on the Statute Book a Bill dealing with unemployment insurance. It was passed during the last Session, and affects the system of unemployment insurance, abolishing the system of uncovenanted benefit and re-establishing what might be called pure insurance schemes. During the discussion on that Bill, I pointed out from these benches that, unless there was an extraordinary revival of trade and an increase in employment between that date and October, we were going to find the winter a very serious one, because of the fact that from the middle of October we shall have a steadily increasing number of men coming on to unemployment or continuing unemployment without any unemployment insurance whatever. The dole, as it was called, was abolished, and it was hoped by the Assistant Minister in charge of the Bill that trade and commerce would so improve, between the date of the introduction of the Bill and the middle of October, that the forecast, or, rather, fears that were given voice to would not be fulfilled. There is no improvement. There is very much to the contrary. There has been an increase of several thousands in the numbers of unemployed on the Unemployment Exchanges, quite irrespective of any effects of the trade disputes. There will be a still further increase with every man demobilised, and I think it is well to ask the Ministry, or the President, whether they have taken into account the position of these people during the coming winter. During the debate on the Second Reading of the Unemployment Insurance Bill, Mr. Wheahan stated that by the middle of

August 10,000 persons would have exhausted all their contributions, and would have no right to benefit but for the special arrangement proposed in the Bill. He also stated that when the first benefit year terminates, on October the 7th, about one-third of the unemployed will, if they continue to draw benefit until then, have no contribution left unexhausted with which to restart the new benefit year. "It is hoped," he said, "that by that time economic conditions will have so improved as to have absorbed all, or nearly all, of these workers into employment."

Now, what are we to contemplate, if nothing is done to substitute for the dole, as it was called, something better? Are we to look on calmly and without fear at the increase in unemployment, and the steadily and rapidly growing number of men, who are not only unemployed, but are not receiving any insurance benefit? Do you think that that large number of people in the country are going to be contented and satisfied to rest silent, quiet, and patient until the Government is satisfied that peace has been re-established, and that the ordinary processes of commerce will have solved this problem? I have no such hopes. On the contrary, I have very great fears that this growing number of unemployed, with nothing to fall back upon in the way of insurance benefit, will make your social problem, perhaps make your military problem, a very, very great one indeed. It seems to me that the Government, and that any Ministry that may be elected, is faced, at this moment, with the question of whether they are going to choose to follow on the ordinary British and European system of commerce—*laissez faire* in commerce—or whether they are going to show some imagination and resist the temptation to take the easy line of life and leave things to find their own level. I hope the decision of the Government will be to follow on and bring into practical application those principles which they advocated, which we advocated prior to the establishment of the Free State, principles which laid it down clearly that it was the duty of the State to see that the children of the State would have opportunities for employment, for wealth production and opportunities

to live in the country to which they belong. I would ask Ministers to spend a day or two in looking back upon the propaganda that they indulged in prior to the signing of the Treaty, during the agitation which led to the signing of the Treaty, and to face the implications honestly, and to bring them into practical operation. If they will do that they will get our support to the utmost possible extent, but if they do that they will lose the support of many others, whose support, I imagine from the signs we have seen, they will much rather have than the support of those who have spoken on behalf of labour in the past.

**Mr. McGARRY:** I am very much surprised to hear the tone of Deputy Johnson's speech. It seems to me that he has taken the advantage which he complains the English manufacturers took during the war. They took the opportunity to make profits during the war, and he took the opportunity of the President's motion to make a long speech and to profiteer on it. The motion before the Dáil, as I understand it, is that certain Ministers be appointed or reappointed. Deputy Johnson made a speech in which he has not had a single word to say about any of the Ministers, but puts a series of questions to a Ministry that has not yet been appointed. He has not said a single word why those Ministers should not be appointed. We have instead listened to a lecture on political economy in which he talked about everything but the President's motion. I suggest that it is the duty of every member to criticise the Government, if the Government ought to be criticised, but the criticism ought always to be helpful. I can get up and talk without any responsibility, but Ministers have responsibility, and if I am going to criticise them my criticism ought to be helpful. I do not think it right for any member to stand up here and waste the time of the Dáil with a lecture on political economy and criticism of a Ministry that is not here. Anybody may get up and propose an alternative Ministry, but lectures on political economy are no use.

**Mr. WM. HEWAT:** I rise, with a good deal of hesitation, as a new

member, to speak in this Dáil, and I ask your indulgence in dealing with a matter that the leader of the Labour Party has raised. I take a good deal of exception to his attitude towards this problem. In the first instance, he refers to the fact that at an earlier stage the common sense of employers and workmen in England came to the conclusion that the situation justified a reduction in wages, which the men there, through the advice of their leaders, were prepared to accept. Those reductions were put into operation and were largely based on the argument that in reducing the wages it was necessary for the maintenance of trade, but also behind that was the very important argument that as the wages had been inflated during the war owing to exceptional circumstances, the business community claimed that in the reflex action the fall in the cost of living ought also to be taken into account. Now, Deputy Johnson has referred to the fact that these reductions have not been as successful in stemming the tide of bad trade as was expected at the time.

I say on the other hand if the reductions had not taken place and if the Labour Party at the other side had adopted the same attitude as is advocated by the Leader of the Labour Party that, bad as the situation to-day is, as far as the trade of the country is concerned, it would be infinitely worse with the palliative which was not as successful as it might have been, owing to the fact that continental politics came in and interfered with the revival of trade which had undoubtedly set in by that stage. Now, applying that to this country we, on this side, cannot help but be affected by the economic operations and the economic laws on the other side of the Channel. We might reasonably have expected that labour and the labour leaders would have recognised that and that coming out of troubles at home, troubles from other causes, that at all events we might have the opportunity of sitting down calmly and of being able to reason out all those matters as between Capital and Labour, without having to come to the deadlock that is at present holding up the country and is threatening increased unemployment in the near future. I claim that the policy of

[Mr. Hewat.]

the Labour Party has not been as intelligent as one would expect from a Party who put forward a claim that they are able and willing to govern. The question of unemployment is a serious one, and the outlook, as far as winter is concerned, is serious also.

Deputy Johnson has referred to the abolition of the dole. The dole has been very useful in some cases, but I think that as far as Ireland is concerned it has been grossly abused, with the help and assistance of the Labour Party. Go down the country, into any part you like, and anyone there will tell you about obviously manufactured cases. What we want to get at is the man who is willing to work, and if he cannot get the work he has got to get assistance from the State. I would join with Deputy Johnson in saying to the Government that that is obviously a situation that must be attended to. On the other hand the only remedy for the man who is prepared to put his back to the wall, to stand all day and do nothing, is to make him feel in his stomach, if necessary, the need for work. The country needs that the work must be done on a fair basis. That to-day is holding up an immense amount of work. That to-day is putting a strangle-hold on all individual enterprise. If any man has money to spend in advancement let him look around. Let him compare his cost to-day of any building as compared with pre-war costs and he will see that it is not reasonable. What the country wants to-day is an opportunity to develop every resource. To do that we must have a position in which a man willing to extend his capital shall do so in security and with a fair expectation of a reasonable return for his money. Take the question of the North Wall to-day—

**AN CEANN COMHAIRLE:** Is this a question of the Executive Council's policy?

**Mr. HEWAT:** I have to apologise for transgressing. It is my ignorance in this matter. I say in these matters the position that ought to appeal to the Ministry is that they must help to encourage individual trades and indi-

vidual enterprise, rather than unnecessarily interfere in connection with matters that are not properly under their control. I would like to say that Deputy Johnson's argument seemed to me to appeal in this way, that if wages are not to be governed by competitive conditions and if they are to be subject only to the wish of the person receiving the wages, I am afraid the country would be very different to live in for the ordinary man who has an income which is not liable to those fluctuations.

**Mr. T. J. O'CONNELL:** I rise principally to express regret that the President, in nominating his Executive Council, has again this year deemed it advisable to include as one of the Ministries within the Executive Council, the Ministry of Education. I think, from any point of view, that decision is to be regretted, but in saying that I would like to make it clear that I do not wish to be regarded as indicating the unsuitability in any way of the Deputy who is named as the Minister for Education for that particular position. What I do say is, that under the provisions of our Constitution we have some Ministers within the Executive Council, and some who are outside Ministers responsible only to this Dáil. I say that if there is one Ministry more suitable than another to be regarded as one which should be directly responsible to the Dáil, and only to the Dáil, it is the Ministry of Education. The Executive Council is responsible for policy, and I take it the main policy for which this Executive Council, now about to be chosen by this Dáil, will be responsible is the maintenance of the Treaty, and that all its actions and all its acts will be governed by a consideration of that policy. Now we know, and it is admitted by every Party, that the necessity for an improvement in our education, and in our educational system, is one of the most pressing problems that this Dáil will have to face. In my opinion at least it is not right that the proposals which might be brought forward to improve our educational system should be governed by considerations which have to do with matters of broad policy such as the Executive Council will have to deal



with. The Minister for Education should be in the position that he could take the Dáil fully and wholly into his confidence, and every Party in the Dáil, in framing his proposals. He cannot do that if he is a member of the Executive Council, because it would mean if the proposal that he brings forward happens to be defeated, and happens not to meet with the wishes of the Dáil, it is immediately a question of policy, and as the Minister is a member of the Executive Council, the Council stands or falls, the Government stands or falls, on this educational proposal. I hold strongly that that is not as it should be. While knowing that the President would naturally find it necessary to call to his aid a man of the experience and wisdom and wise judgment of Deputy MacNeill, I must express very great regret, and I believe that regret will be shared by a great many people in this Dáil and in the country who believe that education should be dealt with and kept as far as possible from politics or political concerns, that the President has again included in the inside or Executive Council this Ministry of Education.

**Mr. R. WILSON:** In looking through the Ministries which in future are to be the inner Cabinet, which  
4 o'clock. in reality will be the Governors of this country, it seems strange to us here representing the farming interests that the Minister for Agriculture, who has to deal with the greatest industry in this country, is excluded from the inner Councils of the Cabinet and thereby deprived of the support which he should necessarily be expected to have in a country that is mainly agricultural. It must seem strange that I should be asking that the Minister for Agriculture should be included in the Executive Council, while my friend on my left is desirous of excluding from the Executive Council the Minister for Education. My reason for making the request I have made is that in the very near future the fiscal problem in this country will have to be dealt with, and when it comes to be dealt with, we are afraid that unless we are pro-

perly represented, or rather the great industry in which we are interested is represented, in that Executive Council our interests will be overlooked. Five out of every six men in this country are engaged in agriculture, and if our industry is not given proper representation, we are afraid that it will be let down and become impoverished. If it is necessary to have in the Executive Council the Minister for Industry and Commerce, surely it is of far greater importance that the agricultural industry, which gives employment to five out of every six men in this country, should also be represented in the Council so that the necessary proposals for the protection of our industry could there be put forward directly. With regard to the nominations for the various Ministries, I have nothing to say further than this, that most of the Deputies named have given faithful service in the past, and as far as we are concerned, not being able to form our own Ministry, we must of course accept them as the best substitutes that could be found.

**Mr. SEAN LYONS:** I should just like to say that I am sure, from all that has been said of the Ministers whose names have been put before the Dáil on nomination, they certainly have a right to feel honoured and proud of the confidence they inspired. Not one word has been said against any Minister who has formed part of the Government of the country; it certainly speaks well for them. During the propaganda employed outside we were told that we must not recognise these Ministers at all. This Assembly is the place, and this is the opportune time for anyone to say anything they have to say in criticism of the Ministry. I have listened with intense interest to every speech that has been delivered, and I have not heard one word as to why we should not recognise outside in the country the men whom we recognise as Executive Ministers inside in this Dáil. The majority of the Teachtaí in this Dáil may not probably value my independent manner of speaking, but I am very pleased myself, and so is my Party. I am the Party known as the Town Tenants' Party, but I may say that I have several colleagues in the Indepen-

[Mr. Lyons.]  
dent Party. It is a great consolation to be able to stand up here and say that no Party in this Dáil has ventured to put forward one of their own members in opposition to members of the Executive nominated, and in that connection we have only had an expression of regret from Deputy Wilson on behalf of the Farmers' Party that they were not numerous enough to form a Cabinet.

**Mr. GOREY:** What about your own Party?

**Mr. LYONS:** With regard to the remarks made by Deputy O'Connell, I am sure that the Government or Cabinet, when appointed, will certainly do everything that is necessary to promote the education of the children of this country, and I am sure that matter is safe in the hands of Deputy MacNeill. I have nothing further to say only that I am quite satisfied, and I believe that if some Parties in the Dáil had sufficient power they would try and nominate somebody from their own ranks for the Cabinet.

**Mr. ALFRED BYRNE:** Before the President replies I will take this opportunity to ask the Minister for Industry and Commerce to say whether the Government intend to take any steps in the near future with a view to bringing about a Conference between the parties in order to bring about a settlement of the North Wall strike. Many thousands of pounds have been lost by the public Board of which I am a member.

**A DEPUTY:** Hundreds of thousands of pounds have been lost to the country.

**Mr. BYRNE:** I think we ought to have a statement whether it is the intention to make some effort to bring that unfortunate dispute to an end.

**The PRESIDENT:** The purport of the speeches which have been made refer to matters of policy, and it will be within the recollection of the old members of the Dáil that last year the policy was outlined in the speech delivered by the Governor-General. Much the same objection was made last year when forming the Ministry as has been made now, to the inclusion of particular Ministries, or rather a particular

Ministry, and the exclusion of another Ministry. With the exception possibly of two or three Ministries the selection of the Executive Council is not a matter of particular Ministries, but the inclusion of certain persons.

I explained last year, as I observed just now, in reading over the report, my very great regret at not being able to include the then occupant, and, I hope, the future occupant, of the Ministry of Agriculture within the Executive Council. Last year when making up the Ministry I consulted with the other Ministers. It was within the period known as the Provisional Parliament in the Third Dáil, and I got their advice and their assistance, and I took the advice and counsel separately of some of the Ministers—I think more than of any other that of the Minister for Agriculture. The success or improvement of the development of agriculture in this country does not, in my view, depend upon the inclusion or otherwise of the Minister for Agriculture in the Executive Council. If it be thought that the work of a Ministry is of great importance to the particular subject under that Ministry, there is the fact of the maximum amount of time if the holder of that office is not a member of the Executive Council. He is not troubled by questions of policy, and he has not to attend Executive meetings, and he has not to accept responsibility unless he so desires. But I would like to say, on the part of the present occupant of that office, that he so desired and he accepted responsibility for every action of the Government as if he were a member of the Executive Council. I think the same thing might be said of the other Ministers. The circumstances of the times may have suggested to these Ministers that that was the patriotic policy. I believe that at any rate in the case of the particular Minister mentioned it was more than his conception of patriotic policy, that it was the real individual, the man himself who stood for that policy and his belief that, where there was a case in which his counsel might have altered our decision that nevertheless he was a loyal, conscientious and energetic supporter of the Government in its policy. I have only to repeat what I did say on

the last occasion, that it was with regret that I could not include him in the Executive Council.

It does not interfere with what the Farmers' Party have put forward; it does not interfere with the development or improvement or the existence of the industry of agriculture in any way whatever, and when the time comes, when the farmers form their own Government, I think they will come to the conclusion that what I am saying now was not far short of the real state of the case. Now, with regard to the other Minister, I think I mentioned that the Ministry of Education was an institution in itself. That is what is in the report. But my recollection of that particular reference at the time was that I said the Minister for Education was an institution in himself. I think that Deputy O'Connell will practically admit that. I do not know, having given the matter still more consideration, that the Minister for Education should not be included within the Executive Council. After all, how are you going to reconstruct this nation? Upon what basis is the superstructure to be built? Will you not depend and must you not look to the Minister for Education to mark out the Gaelicisation, if I might so say, of our whole culture? While we have complaints that in the past that has been neglected, and that the country has not been fashioned according to the best wishes of the thinking people who are anxious for nation building, ought we not now look with hope and confidence that we will get some inspiration from the Minister for Education? I think it will be admitted upon a question of such importance as that, that the Executive Council would not be doing its duty if it did not include the Minister for Education within its ranks and accept responsibility for whatever proposals he would put forward in an attempt to make our nation separate and distinct and something to be thought of.

The economic questions that have been raised are raised at a time when the industrial atmosphere is not perhaps best constituted to lend to any statement that I might make, any degree of stability, or any hope of leading towards a more peaceable settlement of

the present condition of affairs. This much I would say, that it certainly appears to me that there are certain trades or certain businesses—I have one particularly in mind, I think it was mentioned by Deputy Hewat in his maiden speech—which are not an economic proposition no matter from what angle they could possibly be considered, and that is, the provision of houses. It has always appeared to me during my experience of towns and cities in Ireland that the housing problem was a matter of the most vital importance to our people. If one examines the Census Returns of the City of Dublin I think it will be found that 62 per cent. of the people are native born. The drain from the country to supply that citizenship is enormous, and that drain will be continued until there are more satisfactory conditions prevailing with regard to the housing of the people. But does anybody suggest that the present prices, the present cost of building houses, is a cost that can be borne by the State or by any component part of the State? We know that it is not, and we know furthermore that there is something more at issue than the mere question of wages, that it is a very serious and very complicated problem, and though at this moment Deputy Johnson gave us a prescription, the patient is scarcely in a fit state to get that prescription. But even if we had agreement there is something more than agreement wanted upon the mere question of wages. There must be an admission by all parties that greater sacrifices must be made if we are to achieve the solution not only of that problem, but of many others. These are, however, problems which might be very well discussed another time. I had not any information that these questions would be raised. I should say that it may be inferred from some of the statements made, that we have not been considering these industrial disturbances. We have. I have been in consultation with the Minister for Industry and Commerce some times or at least many times in the day. He has kept me very well informed of the movements and fluctuations, and I regret to say, from what I have learned of them, that the fluctuations do not

[The President.]

promise very well. If circumstances to-day are favourable towards one side, that side hardens. If the circumstances are reversed to-morrow, that side hardens. That is not the spirit upon which there is very great hope for a solution of these difficulties. I hope that in the matter of the consideration of these problems that are very serious—and more serious than things that affect this life—that they will bring with them very serious consideration for the future and upon the future of this country and upon the future of every order that is in the country. If we can only get some real earnest spirit of accommodation from both sides I have no

“Go n-aontuigh an Dáil le ainmniú na d-Teachtaí seo leanas mar bhaill den Ard-Chomhairle:—

CAOIMHGHIN O hUIGHIN mar Leas-Uachtaran agus Aire um Ghnothai Duithehe;

EARNAN DE BLAGHD mar Aire Airgid;

RISTEARD O MAOLCHATHA mar Aire Cosanta;

SEOSAMH MacCRAITH mar Aire um Thiúscail agus Thrachtail;

DEASMHUMHAN MacGEARAILT mar Aire um Ghnothai Ciogethe; agus

EOIN MacNEILL mar Aire Oideachais (nuair a bheidh Airtíogal 17 den Bhun-reacht co-lionta aige).”

**Mr. JOHNSON:** May I suggest a verbal alteration to keep this motion in conformity with previous motions? The suggested alteration is that we delete the word “of” and substitute the word “for” in each case where it is mentioned “Minister of.”

fear whatever but that the result will be satisfactory to the country.

**Mr. JOHNSON:** On a point of order, the motion that was put into our hands is really not a motion; it is a statement that the President nominates certain Deputies as members of the Executive Council.

**AN CEANN COMHAIRLE:** I was going to put it in the form of a motion. The nominations were not ready when the Order Paper was printed, and I asked the President to circulate the names at the earliest possible moment. The motion has to be in accordance with Article 53 of the Constitution, and it is as follows:—

“That the Dáil assent to the nomination of the following Deputies as members of the Executive Council:—

KEVIN O’HIGGINS, Vice-President and Minister of Home Affairs;

ERNEST BLYTHE, Minister of Finance;

RICHARD MULCAHY, Minister of Defence;

JOSEPH McGRATH, Minister of Industry and Commerce;

DESMOND FITZGERALD, Minister of External Affairs; and

EOIN MacNEILL, Minister of Education (when he shall have complied with Article 17 of the Constitution).”

**AN CEANN COMHAIRLE:** Very good.

Alteration agreed to.

Motion, as altered, put and agreed to.

### EXTERNAL MINISTRIES.

**The PRESIDENT:** I beg to move:

“Go mbeid siad so leanas ina n-Aireachta nach baill den Ard-Chomhairle a sealbhóirí, Talmhuíocht, Iascach, Rialtas Aitiúil, Oifig an Phuist.”

“That the following be Ministries the holders of which shall not be members of the Executive Council, viz., Agriculture, Fisheries, Local Government, Post Office.”

**Mr. P. HUGHES:** I beg to second.

**Mr. JOHNSON:** Before we pass this motion, I would like to raise the question whether or not experience of the past year justifies the appointment of a Minister for Fisheries. I have no doubt whatever that there is great work to be done, and very important work to be done, in the Department of Fisheries, but I am raising again what I raised before, and that is whether this Department is of such importance at present, and whether it is even possible to place it in a position of importance such as to justify the appointment of a Minister in charge. I am not going to find very great fault with it, but I am very doubtful indeed whether the work to be done in connection with fisheries will justify the appointment of a Minister, specially in charge of the Department, unless we can be assured that the finance that is necessary to put this on a proper basis to justify a Ministry is likely to be forthcoming. I do not think that anything that was reported, to the Dáil at any rate, would warrant us in saying that the work of this Department requires the attention of a special Minister. I can readily conceive that it may do so provided that finance was available in sufficient quantity; but there is no appearance of that, and I think that unless there is some promise that money will be available for the very extensive development that this Department of the National life demands, a Minister in charge of it is not required at the present stage.

**Mr. GOREY:** With regard to this Ministry of Fisheries. I think it can only be justified on the grounds that there are fish in the rivers and in the seas around our coast. There is no use in having a Minister for Fisheries without having the fish, and I would like to know from the recent occupant of the office what has been done and what is being done at the moment in regard to our inland or our sea fisheries. Complaints have been made by the fisherman on practically every river that nothing has been done to protect the fish. The Ministry of Fisheries has been in existence for some time, and I would like to know

what is being done, now that the spawning season has commenced or is about to commence, to preserve our spawning rivers.

In the constituency I represent nothing to my knowledge has been done to protect fisheries. Money can be found for everything else in the country evidently, sometimes to the tune of millions, but this matter of fisheries, that requires very little expenditure and that would repay the country perhaps ten hundred per cent., has been left without attention. Practically all our fisheries have been denuded of fish. During the recent trouble, when there was no law or protection, all the spawning beds were denuded of fish. Dynamite had been used in the destruction of fish, and fish have been killed wholesale. At the present time fishermen on the Nore, the Suir, and the Barrow are making complaints to me and to other Deputies that there is no protection whatsoever for the fish, and they want protection. They even suggest that if there was nobody else to protect them, the military, who have little to do at the moment, should be sent out. There is no use in burking the fact that nothing has been done. I should know a little about fisheries, and I did not acquire my knowledge second-hand. I have had experience and have lived by fisheries for some time. I know all that there is to be known about fisheries. The Minister has this advantage, that he might be able to educate the fish how to protect themselves, seeing the profession that he has been brought up to.

I would like an assurance that the remnant of the fish left will be protected, and that the spawning stocks will be preserved. You have no use in appointing a Minister for Fisheries if a serious effort is not made at the beginning of the spawning season. If a serious effort is not made there is no use in proceeding with the farce of appointing a Ministry of Fisheries which would be a Ministry in name only.

**Mr. WILSON:** My complaint against the continuation of the Ministry of Fisheries is not that it would not be necessary, but because, in view of the

[Mr. Wilson.]

finance of the country, it would be a farce to continue the Ministry and grant it £30,000 a year. The expense of the Ministry in respect of salaries and wages is £22,000, and the amount of money which these gentlemen administer is £30,000. I put it to you, is it a reasonable proposition to appoint a Minister when you have no money to develop the Department of which he is the head?

Would it not be better to wait until our finances are in a proper state before starting off with a Minister and a Department and all the other paraphernalia which can give no results because there is no money to spend? The whole thing is really a farce and a laughing stock for everybody on the ground of expense. We should abolish the Ministry, and when we have the money let us support our fisheries, because I believe the fisheries of the country, if properly handled, would yield us as much possibly as the land. For these reasons I am opposed to the appointment of a Minister for Fisheries at present.

**Sir JAMES CRAIG:** I regret very much that nothing has been said about the creation of a Ministry of Health. The medical profession, at all events, have been looking forward with some hope that in the new appointments to be made by the present Dáil a Ministry of Health would be among the Ministries formed. I have not urged this matter very strongly because of the expense connected with it. One does not want to multiply the number of Ministries, but, as I said on a past occasion, surely the health of the people is of more importance than the fish in the rivers and in the seas.

**Mr. GOREY:** Question.

**Sir JAMES CRAIG:** We all know, at all events, that we cannot have a healthy population if the health of the people is not looked after, and I say deliberately that the public health of the country is in a very serious condition. I am not going to press this matter at the present moment, because I feel like an orphan in this assembly. I am not going to press the President to add to his Ministries that other

Ministry of Public Health, but I am going to suggest that the Government should do the next best thing, and that a Public Health Department should be formed within the Ministry of Local Government, and that there should be a Parliamentary Secretary in the Dáil who would be responsible for the Public Health Department of the Ministry of Local Government.

I admire very much the work done as Minister for Local Government by Deputy Blythe. He made himself thoroughly acquainted with the matters relating to the public health of the country, and as we know, he proposed to introduce a Public Health Bill which is one of the Bills that has been delayed owing to the work that the Government had to do before the dissolution of the last Dáil. I am very conscious that it will be a difficult matter to get a Minister who will be able to follow in the footsteps of Deputy Blythe. Deputy Blythe had made himself very thoroughly acquainted with the needs of the country, and he understood very clearly the matters that were necessary to help in the public health administration. Perhaps the President will give me some encouragement by saying that the Government will form such a Department within the Ministry of Local Government and that some Deputy will be responsible for public health matters in the Dáil.

**Mr. MacBRIDE:** I am one of those who, in the first instance, opposed the formation of this Ministry of Fisheries, but the Dáil, in its wisdom, thought otherwise. The Ministry was formed, and I am not going to oppose it now. But I think the whole Department ought to be scrapped. As far as I know, it consists of scientists and messenger boys. The scientists are no good, and they never produce anything. You get treatises that repel by their very appearance. They could never discover anything. They never discovered a new fishing ground. I must beg their pardon. I think they discovered, two or three years ago, a fish off the Kerry coast that was not caught in any other place except off the coast of Spain. That is so much to their credit. Deputy Gorey says there is no fish. There is any amount of fish. There are hundreds

of thousands of square miles of fishing grounds off the coast of Ireland, and up to Iceland, and there has not been the slightest effort made to develop them. Men from the East coast of England come over and take the fish away. We have a Ministry of Fisheries with an income of £30,000, and only £3,000 is spent upon development. All the rest goes on the messenger boys and the scientists, who never produce anything at all. I think that the whole of them ought to be turned out and men put into the Ministry who know something about the business and who would develop the fisheries of the country. This previous Ministry of Fisheries have not yet published their report for 1921. My boots were nearly worn going to Eason's, before the last Dáil dissolved, to try and get the report for 1921, but it has not turned up yet. They are overpowered with work, but what they are doing I cannot see.

**MINISTER for FISHERIES (Mr. Finian Lynch):** Ní fheadar an cóir no an ceart domh-sa éinnidh a rádh sa cheist seo, acht caithfead-sa a rádh gur dóigh liom gur náireach an rud a dubhairt an teachta Seosamh Mac Brighde. Is an-fhuirist cainnt a dliéanamh mar gheall ar dhaoineibh nach bhfuil láithreach, acht se mo thuairim-se nach cóir é nuair nach bhfuilid láithreach cumh iad fein do chosaint.

I think that Deputy MacBride's talk about our scientists and the officials of the Department is very ill-mannered, to say the least of it. It is very cheap for Deputies to get up here and criticise officials who cannot defend themselves. These officials, in a sense, of course, were traditional. They were handed down to me from the C.D.B. and the D.A.T.I. At least they have worked loyally with me, and they have performed their duties to my satisfaction. I think it is very bad taste of any Deputy to get up in the Dáil and criticise persons who cannot defend themselves here. Deputy MacBride stated, and the same mistake was made by other Deputies, less ill-mannered, I should say, that there was only £3,000 for development and that the rest was spent upon administration. Deputies will remember that when the estimates

were brought up it looked as if there was only £3,000 for development, but I pointed out that there was money coming from the C.D.B., something like £25,000 or £45,000—I have not the figures with me—that was also to be spent upon development. When persons criticise it would be well that they should have their figures made up more correctly than the criticisms I have heard this evening would show.

I should say I agree almost entirely with Deputy Johnson. I agree that it is a joke to have a Ministry of Fisheries if it is not financed, and I hope that the finance will be forthcoming. Deputy Gorey asked me about the protection of spawning beds. Under the existing law that is the duty of the Conservators. The Ministry has really very little control, except inasmuch as it makes a small grant annually to the Boards, and that is the only power the old Fishery Department had as far as protection was concerned. The Boards of Conservators appointed bailiffs, or whatever they were called, to supervise the rivers, and actually in Deputy Gorey's own county my information is that there was an extraordinary improvement through the action of the Civic Guard and the military in the county. I think that is all that it is necessary for me to say. I feel it would be rather bad taste on my part to defend the Ministry to which I am attached.

**Mr. T. J. O'CONNELL:** It appears that some of the recent speakers are under the impression that we are criticising or have under consideration the work of the Department of Fisheries. The real question at issue is whether a separate Ministry of Fisheries should be set up or not. While agreeing with what Deputy Johnson has said, that there is little use in having a Ministry unless it is properly financed, I do hold that a separate Minister for Fisheries is essential. Knowing something of the condition of our fisheries on the western coast I believe that there is there a vast field for development. We have very few industries in Ireland, but I am confident that fishing could be developed very much to the benefit of the people who work in the industry, and also the people who through its development

[Mr. O'Connell.]

would be provided with cheap and wholesome food. Anyone who knows conditions there, and who has seen, as I have, fishermen unable to send out their boats owing to want of proper tackle and appliances, while, at the same time, trawlers coming over from Fleetwood and Hull rake up at the very doors of the fishermen the harvest that should be theirs, must admit that it is essential a special Department of the Government should be set up to look after what could be a great industry in this country. If that is to be done properly, it must, as Deputy Johnson stated, be taken seriously, and a matter of £3,000 or £30,000 is nothing when compared with the results that may be attained by properly dealing with the whole question on a big scale. I do not agree with the policy of my friend, Deputy Wilson, in waiting until the finances are there. You will not have the finances if you wait. The way to provide finances and to provide employment and money in the country is to set about the development of industries such as this, and for that reason I am prepared to support the establishment of the Ministry of Fisheries.

**Mr. P. J. SHAW:** I wish to support the appointment of a Minister for Fisheries. I wish to mention that in the county from which I come there are a number of lakes to which large numbers of visitors came from different parts of England to fish. Owing to the fact that during the last three, four, or five years 90 per cent. of the trout that went up to spawn in the rivers never came back, that industry at the present time is practically extinct. In the last couple of years you could count the boats during the May-fly fishing season, whereas four or five years ago, when there was protection, the lakes in that county were dotted with fishing boats. An immense amount of money was spent in the county by the visitors. I would ask the Minister for Fisheries to endeavour during the coming spawning season to see that the gross abuses which existed, and which I can guarantee to prove did exist, will be stopped. Otherwise it would be much better that the rivers should be blocked up, so as not to allow the trout up to spawn, be-

cause when they did go they never came back, and the rivers are so depleted that fishing has become a byword. Instead of going to fish now you might as well go out and take the fresh air.

**MINISTER for FINANCE (Mr. Ernest Blythe):** With regard to the remarks of Deputy Sir James Craig, I think it should be clear to the Dáil that there could be no question of having a Department of Public Health and a Department of Local Government at the same time. The Department of Local Government is really, so far as it goes, a Department of Public Health. Nearly all the activities of that Department, if you leave out roads, are concerned with Public Health. Housing and the relief of the necessitous are really matters for a Department of Public Health. The medical charities or the provision of medical relief is also a matter for the Public Health Department. In the Ministries Bill, which it was not possible to bring before the Dáil, I believe it was the intention that the name should be the Department of Local Government and Public Health, and that the National Insurance Commission would come in under that Department. It would then be merely a matter of choosing a name. It could be the Department of Health, or the Ministry of Health, or any other name that was suggested. It is intended really to give a substance to the Department of Health. There are one or two functions added to it which it is thought would be an administrative convenience to have added.

**Mr. DARRELL FIGGIS:** In view of the discussion that has been created by the suggestion that Ministries should be allocated in advance, I would like to suggest to the President quite briefly, that it might be better to adopt the procedure adopted in the previous Dáil. Instead of deciding before the Committee meets what are the posts to be filled by the Committee, the Committee itself should undertake the consideration both of the Departments to be created, which are non-Executive Departments, and of the Ministers who shall fill those Departments. It has been urged that certain revision of Departments should occur. A proposal



has been made that one Department shall be deleted. Before any decision can be taken on matters of that kind it is perfectly clear that detailed information would be required, such as is not before the Dáil at the present moment, and which is not likely to be before the Dáil under its present constitution. It is rather a matter to be looked into by a Committee that might call special evidence from the Departments concerned. I therefore suggest, without going into any details, that if the Dáil were to proceed with Resolution 3, appointing the Committee as required under the requisite Article of the Constitution—Article 55—that the Committee might be charged not merely with appointing names to certain Departments, but that the Committee might bring recommendations before the Dáil as to what other Departments should be created beyond the six Departments already defined, as existing within the Executive Council.

**The PRESIDENT:** I notice that during the contests that have just taken place throughout the country a great deal of lopsided financial propositions were dealt with, sometimes in publications, and at other times by speakers. Amongst the rest, in some parts of the country this particular Ministry may have been under discussion. It would appear from an examination of the estimates for Fisheries that there was some extraordinary extravagance and that where development is only put down for £3,000 the total gross cost of the Ministry would be £55,500.

I spoke to the Minister for Fisheries a couple of days ago and told him that, so far as I could see, his particular Ministry would be probably criticised and that its retention would probably be questioned in the Dáil. In considering this particular Ministry one ought to bear in mind what the circumstances of the moment are, and what they have been for the past few years, not alone in this country, but in England, Scotland, and on the Continent. One should see how the fisheries developed or how the industry of fishing progressed in England during the last couple of years and what its condition is to-day. We should take stock of our particular position with regard to this industry.

I understand there is no country in Europe with such a coast line suitable for fisheries as we have, and I suppose there is no country in Europe where the fishing industry is at such a low ebb as it is in this country. That there are potentialities in the fisheries of this country, both internal and external, I think everybody will admit. Even if there is not sufficient money available to develop fisheries, surely it is not waste of money to have a Minister appointed who will consider how it is best to accommodate the expenses of such development with the financial condition of the country. I have gone through the report which I have got from the Minister for Fisheries on this subject, and in it attention is drawn to the fact that the fishing industry not alone in Ireland, but in Great Britain, was at its lowest ebb during the last twelve months. It was due to three causes. The European markets, it appears, were disorganised through political upheavals. Mackerel was not in demand in the big centres of population in England since these markets were flooded with fish carried on the steam trawling fleets which had just begun to operate after the war, and even these steam trawling companies were unable to make ends meet. The general conditions prevailing in Ireland during 1922 did not lend themselves to the development of an industry such as that of fishing, which requires prompt delivery and excellent transit and accommodation, more than is supplied by the ordinary times of the departure and arrival of trains that one sees in the railway companies notices. It is well known that the loss of a train may possibly involve enormous loss to persons engaged in this calling. The Minister has shown me tables dealing with the number of English, Scottish and Irish steam vessels. In England the number is over 2,000, in Scotland it is nearly 1,000, and in Ireland 11. Motor vessels in England number 468, in Scotland over 2,000, and in Ireland 291. Sailing vessels in England number over 500, in Scotland over 4,000, and in Ireland the number is written down as 3,089, and it is remarked underneath that that number includes 1,639 rowing boats. The report goes on to say what has been done even under

[The President.]

these very depressing and unusual conditions. It states that the fishing season opened last spring, and the task was to induce the fishermen to go to sea. Many boat-owners had no nets fit for fishing. Their gear had become worn out in fruitless efforts in 1921, and they had no means to buy new ones. Loans were given by the Ministry to equip the Arklow fleet for the south-west mackerel season which opened in April, and even with the provision of gear they were unwilling to undertake the voyage to Baltimore and other places, as the railway service from Cork to those fishing places was still suspended. The Ministry was compelled to set up a scheme for the transit of these catches to the nearest port to the Welsh markets. The catches were sold in bulk in Milford Haven by a salesmaster, but the scheme did not prove a financial success, as the fish were late in striking the coast, and the weather was wet and stormy and unsuitable for fishing. Now, the Ministry apparently was satisfied that were it not for the little assistance given in that instance it would have been impossible, if a good deal of the expenses were not available for use in the proper channels, to have got these particular facilities. Loans, it appears, were made available at Howth, and, generally speaking, from a perusal of this report I would say that the Ministry has not been idle. To my mind the actual sum that would be saved by not having a Minister appointed to this particular activity would not be a financial proposition, and I would be very glad if, in considering financial propositions, a little more study of the fundamentals of finance were given. I have observed in some publications—if I may digress for

moment—that comparisons are made between the cost of the services in 1923 and in 1916. A child in the matter of finance would tell you that it was much less expensive to live in 1916 than it is now. Comparisons such as these mislead not alone the unfortunate dupe who conceives the idea of making such comparisons, but also mislead others. They do not lead anywhere, and they would not be altered if the persons issuing these publications were trying to do here what we have been trying to do for the last twelve months. Two points have been under discussion on the question of this Ministry. One is whether a Minister should be appointed at all, and another is, whether the particular Minister who has been in charge of this Ministry should be re-elected. That is not the point. The point is, that there are four Ministries put forward by me, the holders of which will have to be recommended by a Committee of fifteen Deputies in accordance with Article 55 of the Constitution. I should say that if the Minister for Fisheries had his way a very much larger sum of money would have been included in the Estimates, but whether it is his great respect for me as Minister for Finance, or the power I had over Estimates, they were cut down. It is a very small amount. It may be, even in the exceptional circumstances through which we passed, that fishing was not economical, it is just as well that the amount was small. But there ought to be great opportunities for development, and I think every member is satisfied that there are such opportunities, and if that be so I think they warrant the appointment of such a Ministry.

Motion put and agreed to.

### EXTERNAL MINISTERS—

#### APPOINTMENT OF ADVISORY COMMITTEE.

**The PRESIDENT:** I move:—

“Go dtoghtar Coiste den Dáil ar a mbeidh 15 Teachtaí chun Molta do dhcanamh don Dáil do reir Airtíogail 55 den

5 o'clock.

Bhunreacht i dtaobh na n-Airi i gcoir Talmhuiochta, Iascaigh, Rialtais Aitiula agus Oifig an Phuist. Go dtoghtar an Coiste do reir an Vote ionaistrithe singil; Gur aon duine deag a bheidh mar quorum den Choiste.”

“That a Committee of the Dáil, consisting of 15 Deputies, be chosen to make recommendations to the Dáil in accordance with Article 55 of the Constitution as to the Ministers for Agriculture, Fisheries, Local Government and the Post Office; that the Committee be elected by the single transferable vote; that the quorum of the Committee be eleven.”

I think, before other members retire for afternoon tea, that they ought to be informed of the necessity for voting when the Ballot takes place. It is advisable that there should be a full attendance of members so as to get the actual effect of the Constitution.

**Mr. BLYTHE:** I second.

Motion put and agreed to.

**AN CEANN COMHAIRLE:** Nomination papers for this Committee have been prepared, and I would suggest, if it meets with the approval of Deputies, that nominations should be received in the Clerk's office up to twelve o'clock noon on Saturday next, and that the election should take place on Tuesday. If the voting papers could be handed in between three and four on Tuesday it would allow the doing of other business on Tuesday, and we might be able to get the result announced on Tuesday evening.

**Mr. JOHNSON:** What is in the mind of the Ministry in this matter? Do they desire that the new appointments shall be made at an early date, or do they desire that the actual appointments should be postponed for some time? I rather anticipated that the appointment of the Committee would be finished this week and that the Committee would meet at once. I have no doubt the decisions have already been taken. Therefore, the final result of the election of this Committee, that is the appointments of the Ministers, could be completed at an early date next week. I do not know what the intention of the Ministry may be in regard to the continuation of the sittings of the Dáil, but I have heard it whispered that there is likely to be an adjournment some day next week for a week or two. If that is the case we ought to get rid of this little problem before this adjournment. If we are only to take the election of the Committee on Tuesday, then it means if they are to do any business allotted to them while the other people are adjourning or enjoying the adjournment, the decision will be postponed until the resumption after the adjournment. That, I think, will be too long distant. I suggest we get a Committee elected this week.

Vol. 5.

**AN CEANN COMHAIRLE:** By what process?

**Mr. JOHNSON:** Nomination to-morrow, and election on Saturday. I suggest that the attendance here now is as great as it will be, and we can take the nominations to-night.

**The PRESIDENT:** I would like to point out this to the Deputy. He knows some of the difficulties we were in last year. Permission is asked to introduce a Bill on the 1st of the month. The second reading takes place on the 3rd with some accommodation from the House. If it passes its second reading on the 3rd it cannot be taken in Committee until the 7th. So that between the date of the introduction of the Bill and the going into the actual discussion on Committee something like six days must elapse. Let us assume the Governor-General delivers his speech at a given date. Obviously members want to see that in print before it is discussed. We were hoping to have the first reading of the Judiciary Bill this evening, the second reading on Tuesday. This election could take place on Tuesday, and we could have the Governor-General's speech on the 3rd of October. The Judiciary Bill could go into Committee on that date. Let us give two or three days for that. Then a discussion could take place on the Governor-General's speech. In the absence of such arrangements as that we would be almost committed to bringing members up from the country for a day in the week. We anticipate bringing them up on Tuesday next would obviate the necessity of bringing them up one day only in the week until we settle down to business.

**AN CEANN COMHAIRLE:** The proposal is to meet next Tuesday and to adjourn until the 3rd of October, which will be a Wednesday. Let the Committee meet that week and make recommendations.

**The PRESIDENT:** I am in no hurry for the Committee, but it is advisable that the Minister for Local Government be appointed soon.

**AN CEANN COMHAIRLE:** I do not think Deputy Johnson's programme

[An Ceann Comhairle.]  
could be carried out this week as this is Thursday.

**Mr. JOHNSON:** I thought there might be some business to-morrow, or in any case if the nominations be taken to-day the election of a Committee could be taken to-morrow and the Committee could meet next week and get through its business. If full consideration has been given to the matter I do not mind.

**AN CEANN COMHAIRLE:** Nominations will be accepted up to Saturday, at 12 noon, in the Clerk's office. The voting papers can be handed in on Tuesday before 4 o'clock. The result will be ready on Tuesday evening before the Dáil adjourns, that is before 8.30. Ballot papers can be sent out on Saturday.

**The PRESIDENT:** There are a number of new members who are not perhaps aware that they have the power to nominate a person. Any single member of the Dáil can nominate another member. Nominations are not limited, but I think they should be limited to

**Mr. McCARTHY:** If the ballot papers are posted on Saturday some of the members may not get them.

**Mr. HUGHES:** Might not the papers be distributed to Deputies at the meeting of the Dáil on Tuesday?

**AN CEANN COMHAIRLE:** Yes, we can distribute them on Tuesday in the Dáil, and they can be handed in before 4 o'clock, if that is considered a better arrangement. We will inform Deputies that their presence at a meeting on Tuesday is necessary.

Before coming to the next business, I might point out that it is necessary, under the Standing Orders, to receive nominations for the position of Leas-Cheann Comhairle, or Deputy Speaker. Only one nomination has been received so far, that of Deputy Padraic O'Maille, and his name will appear on the Order Paper on Tuesday. The election of Leas-Cheann Comhairle will be part of the business for Tuesday next.

## COURTS OF JUSTICE BILL.— FIRST STAGE.

**The PRESIDENT:** I beg to move for leave to introduce "A Bill for the establishment of Courts of Justice pursuant to the Constitution of Saorstát Eireann, and for the purposes relating to the better administration of justice."

Just before the close of the last session I moved for permission to introduce this Bill. Permission was given, and the Bill is now in print, but the fact that it was not passed in the last session leaves us in the position of having to introduce it again from the very beginning. For the benefit of members of the Dáil, who were not members of the Third Dáil, I should say that this Bill is drafted on the lines recommended by a Committee which was set up by the Executive Council to consider the whole question. It was stated during the last session of the Dáil that owing to its importance, and to the fact that it marked such a distinction, such a passing away of what might be called old landmarks and the establishment of a new system, it would be advisable that this particular Bill should be before the country for some time. It has now been before the country for nearly two months, and, as far as I have been able to find out, there has been no criticism of it. The Bill is drafted to suit the needs of the country. It follows out the lines laid down in the Constitution, and we hope that it will give that confidence which courts of justice ought to command in any country. There are certain objections to it from certain quarters, but they have not found any real volume of public opinion behind them. I am sure it will not be taken as any slight upon either of the professions mainly concerned if I say that it is natural that there should be objection to it, having regard to the fact that law is going to be made somewhat cheaper for the ordinary citizen in the country. Naturally, if a particular commodity that was very expensive is going to be made cheaper, somebody must suffer, and, consequently, there will be dissatisfaction among the sufferers.

In introducing the Bill to the Dáil, on the last occasion, I laid some stress

on the fact that the system by which the Bench was recruited in the old days did not lend itself to popular approval, and, as a consequence, the courts came to be termed "British Courts." During the struggle that took place for the assertion of the rights of the Nation, alternative courts of justice, called Dáil Courts, were established, and it might have been urged against the Saorstát that a considerable time elapsed before we attempted to bring into being courts which should command, and which ought to command, the confidence of the people, because the system, as it was, was not of our making, and the system that is outlined in this particular Bill is of our making.

This Bill does not within itself deal in a detailed manner, and could not deal in a detailed manner, with the whole organisation for the administration of justice. It creates the framework of courts of justice into which the detailed organisation will be fitted. It prescribes, in accordance with the recommendations of the Judiciary

Committee, the various grades of courts and measure of jurisdiction in each grade. It provides that each court shall, by means of a Rule-making Authority, settle the detailed scheme of administration of the courts. The Rules that will be made for that purpose will be laid upon the Table of both Houses of the Oireachtas, so that they can be examined to see that they are administratively satisfactory and really enable the new courts to fulfil the high hopes entertained for a more efficient, expeditious, and less costly judicial system. I accordingly move for permission to bring in this Bill.

Question put, and agreed to.

Second Reading ordered for Tuesday next.

**The PRESIDENT:** I move that the Dáil do now adjourn until Tuesday next at 3 o'clock.

Question put, and agreed to.

The Dáil adjourned at 5.20 p.m.

# DÁIL EIREANN,

DE MÁIRT, 25<sup>ADH</sup> MEADHON  
FHOGHMHAIIR, 1923.

(Tuesday, 25th September, 1923).

Do chuaidh an Ceann Comhairle  
g-Ceannas ar 3 p.m.

## CEISTEANNA—QUESTIONS. ORAL ANSWERS.

### BRITISH SAFEGUARDING OF INDUSTRIES ACT.—(FISCAL COMMISSIONERS' REPORT.)

**Major BRYAN R. COOPER:** Before putting this question, I would like to congratulate the Minister upon his courage in taking up this office. I beg to ask him whether he proposes to act on the interim report of the Fiscal Inquiry Commission and to repeal the duties now levied under the British Safeguarding of Industries Act.

**MINISTER for FINANCE (Mr. Blythe):** The proposals contained in the Interim Report of the Fiscal Enquiry Committee in regard to the repeal of the duties now levied under the Safeguarding of Industries Act are at present under consideration and I will make a statement as to the Government's intentions in due course.

### PENSIONS TO SOLDIERS OF THE GREAT WAR.

**AILFRID O BROIN** asked the Minister for Finance whether the Irish Government have any representative on the Pensions Appeal Board in Dublin; whether he is aware that recently the British Pensions Board have made considerable reductions in pensions to dependents of Irish soldiers who were killed in the Great War; whether he is aware that the reductions which applied to Irish dependents were based on an English cost of living figure, if

he will take steps to see that Appeals are not rejected or pensions reduced on citizens of the Free State without first satisfying the Free State Government or its representative that such decisions are justified.

**Mr. BLYTHE:** The administration of British military pensions is not a matter in which the Government of the Irish Free State is officially concerned. I am, however, taking steps to have the representations contained in the Deputy's question brought to the notice of the appropriate British authority.

**Mr. SHAW:** Arising out of the Minister's reply to this question, I beg to ask if it is correct to say that dependents' allowances have been reduced by 50 per cent? I am aware that such a reduction has been made in the Counties of Longford and Westmeath, which I represent, and I desire to know if the reduction is a general one.

**Mr. BLYTHE:** I am not aware of any reduction.

**Mr. SHAW:** As Chairman of the Westmeath Pensions Committee, I am aware that such a reduction has been made.

### SURVEYS OF IRELAND (CUSTODY OF).

**AILFRID O BROIN** asked the Minister for Finance whether he will take steps to secure from the British Government all the original engraved Plates, Drawings, Triangulations, Notes etc., relating to the Surveys of Ireland; whether he is aware that these valuable works, together with plans and Engravings and Charts of Irish Territorial Waters and Harbours, were removed to the Ordnance Survey Department, Southampton, also a valuable dynamo used for electrotyping of copperplates; to ask that this branch of the National Service be restored to its former prominence.

**Mr. BLYTHE:** Steps have already been taken to secure for the Government of the Irish Free State its fair share of the property referred to. The return of the plates referred to in the first part of the question has been

going on for some months past, but has been held up owing to transit difficulties. The electrotyping plant was removed to Southampton about twenty years ago, and is understood to be entirely out of date.

## **DESTROYED PROPERTY (CLAIMS FOR COMPENSATION).**

**AILFRID O BROIN** asked the Minister for Finance whether he can now state when the Dublin claims for destroyed property, commandeered goods, motor cars, etc., will be heard, and whether the Government propose to take steps to speed up the rebuilding of O'Connell Street.

**Mr. BLYTHE:** I presume that the various claims referred to in the Deputy's question are such as come within the scope of the Damage to Property (Compensation) Act, 1923, as amended by the Damage to Property (Amendment) Act, 1923. A commencement will be made with the hearing of Dublin cases in the Michaelmas Sessions now at hand.

Subject to the provisions of the Acts mentioned, the question of rebuilding is one for the owners of the property destroyed, and the imposition of rebuilding conditions rests with the Court. Of course, there must be a full reinstatement condition as in the case of the O'Connell Street area.

## **FOOD AND DRUGS ACT**

**TOMAS MacEOIN** asked the Minister for Local Government whether the appointment of Inspectors under the Food and Drugs Act rests solely with the County Councils, or whether such appointments require his sanction; whether he proposes to compel County Councils to appoint members of the *Gárda Síochána* as Inspectors by withholding his sanction to the appointment of any other person by a County Council; and, if not, what is the reason for refusing sanction to the appointment proposed to be made by the Louth County Council.

**Mr. BLYTHE** (replied): County Councils have no power of appoint-

ment of Inspectors specially for the purposes of the Sale of Food and Drugs Acts. The law on the matter is in Section 13 of the Food and Drugs Act, 1875, as to which I have been advised that the duties must be assigned to a police officer and also that the sanction of the Minister for Local Government is not required. Members of the *Gárda Síochána* are being specially instructed in these duties.

## **UNEMPLOYMENT INSURANCE.**

**TOMAS MacEOIN** asked the Minister for Industry and Commerce if he will state:

(1) The number of persons in insured trades at present unemployed.

(2) How many of these are still entitled to benefit in the First Benefit Year under the Unemployment Insurance Act, 1923.

(3) How many it is estimated will enter the Second Benefit Year on October 18th, with contributions to credit, and what will be the average number of contributions to credit of such persons?

**MINISTER for INDUSTRY and COMMERCE (Mr. Joseph McGrath):**

(1) The number of persons in the insured trades whose employment books were lodged on the 28th August last, the latest date for which complete statistics are available, was 42,281. This figure includes a number of persons who had found employment but had not removed their books.

(2) 49,725 persons have so far claimed benefit in the first benefit year, of whom 8,925 were entitled to less than the full 15 weeks.

(3) 42,740 of those who have claimed benefit this year will enter the next benefit year on October 18th with contributions to credit. The average number of such contributions cannot be calculated without much labour, but the great majority of persons have a substantial number.

It will be appreciated that the figures given in answer to Parts (1) (2) and (3) of the question are not strictly comparable. Individuals included in one figure find employment

[Minister for Industry.] during the benefit year and are consequently not included in another figure compiled at a different date in that year. The figures, however, enable the general position to be understood.

### **ELECTRICITY COMMISSIONERS.**

**Mr. DARRELL FIGGIS** asked the Minister for Industry and Commerce if Electricity Commissioners have been appointed in accordance with the "Electricity (Supply) Act, 1919"; and if no such Commissioners have been appointed, what person is exercising the functions prescribed in that Act; and under what title reference may be made to such person, or persons? Further, to ask if the definitions accorded to the expressions "authorised distributors" and "authorised undertakers" in that Act are proper definitions in the Saorstát. And finally, to ask when appropriate legislation may be expected to be introduced to take the place of the Electricity Supply and Lighting Acts and Regulations from 1882 to 1922.

**Mr. McGRATH:** Electricity Commissioners under the Electricity (Supply) Act, 1919, have not been appointed in the Saorstát, the amount of work under the Act not justifying the expense of that course. The Ministries Bill, shortly to be introduced, will provide that the functions of the Electricity Commissioners are to be exercised by the Ministry of Industry and Commerce pending the introduction of a Bill, which is already in draft, to codify and amend the law relating to Electricity Supply and Lighting. I am unable at present to give a precise date for the introduction of this measure. Until it becomes law the definitions of "authorised distributors" and "authorised undertakers" in the several existing Electricity Supply and Lighting Acts will remain unaltered.

### **IRISH TRANSPORT OFFICIAL'S ARREST.**

**SEAN BUITLEIR** asked the Minister for Home Affairs with reference to the arrest under the Public Safety

(Emergency Powers) Act, 1923, of James Baird, an official of the Irish Transport and General Workers' Union, locally in charge of the workers' interests in the trade dispute in Co. Waterford, which of the twelve offences specified in Part II. of the Schedule to that Act he committed or attempted to commit, or was suspected of having committed, and what are the reasons which cause the Minister to be of opinion that the public safety would be endangered by Mr. Baird being set at liberty.

**MINISTER for HOME AFFAIRS (Mr. Kevin O'Higgins):** James Baird, Labour Organiser, was arrested by a responsible officer of Garda Síochána on the 6th instant in Waterford and interned on a Detention Order signed by an Executive Minister under Section 2 (2) of the Public Safety (Emergency Powers) Act, 1923, inasmuch as he was suspected of being guilty of the offence mentioned in No. 12 of the offences set out in Part II. of the Schedule to the Act, viz.—encouraging the commission of arson described in No. 7 of the said Part of the said Schedule.

### **SEIZED SHOT-GUNS.**

**RISTEARD Mac LIAM** asked the Minister for Home Affairs what is the position in regard to the guns taken up from farmers and others in the pre-Truce period by the British authorities, and what steps are necessary to be taken by the owners to recover possession of these guns.

**Mr. O'HIGGINS:** Arrangements, which will be in operation from the 1st October, are being made to restore these guns to their owners. The guns will be returned by the Ministry of Defence to applicants resident in the Dublin area at Island Bridge Barracks, and to applicants resident in other areas at the Headquarters of the nearest Military Command. The procedure entails an application for a licence to be in possession of the arms to a Superintendent of the Dublin Metropolitan Police or to a Superintendent of the Garda Síochána, as the case may be. These licences should be presented by the applicants, who should also furnish



any official receipts in their possession in respect of the guns, as well as any descriptive particulars which would lead to the easy identification of the arms.

### **MILITARY MOTORS (IDENTIFICATION NUMBERS).**

**Mr. DARRELL FIGGIS** asked the Minister for Defence whether all Army cars and lorries are obliged by regulations to carry numbers of identification, and if so, what steps are being taken to enforce such regulations.

**MINISTER for DEFENCE (General Mulcahy):** It is not a legal obligation that military motor vehicles should be registered and carry the usual identification numbers, but it is now an inter-departmental regulation that they should be registered with the Dublin Corporation. A number of cars have already been registered. Arrangements are in hands for giving full effect to the regulation and for affixing identification plates to all motor cars and lorries as soon as possible.

### **DISCHARGED SOLDIERS (UNEMPLOYMENT BENEFIT).**

**AILFRID O BROIN** asked the Minister for Defence if he is aware that many soldiers on being released from Army service are not entitled to unemployment benefits, if he will take steps to see that some arrangement is made that would enable them to be paid; further, whether he is aware that in some cases where men left their employment in answer to the call to arms they have not been reinstated by their former employers.

**General MULCAHY:** I understand that only soldiers who had Unemployment Insurance contributions to their credit at the dates of their enlistment are eligible for unemployment benefit on discharge from the Army. To ensure the retention in each case of right to such benefit, it was provided by Section 7 of the Unemployment Insurance Act, 1923, that the minimum number (12) of contributions required to be made by previous Acts in each insurance year would be paid from Army funds in respect of each such year or

part of such year that the soldier had served in the Army. It was not possible to make any further financial provision in connection with Unemployment Insurance. I should mention, however, that soldiers who are now being demobilised, except those who are discharged for ignominy, inefficiency, or for private reasons, are granted 28 days furlough with the pay of their rank, ration allowance of 2/- per day, and dependents' allowance where such is payable.

The question of the reinstatement of discharged soldiers in their pre-enlistment occupations which they left in answer to the call to arms is in the hands of the Minister for Industry and Commerce, who has set up a special section of his Department to look after this and other matters connected with the re-settlement of soldiers in civil life. I am sure that if the Deputy will communicate with that Minister, particulars of any cases he has in mind they will get good attention.

### **BARLEY GROWING.**

**Mr. WILLIAM DAVIN:** I beg to ask the President the following question, of which I have given him private notice: Whether the Executive Council have taken, or are about to take, the steps necessary to secure a reasonable price for barley during the coming season, with a view to protecting the threatened interests of Irish barley growers; whether any representations have been made to Messrs. Arthur Guinness and Sons, Ltd., and other Irish brewers and maltsters on the subject; or, alternatively, whether it is the intention of the Executive Council to take steps to prohibit the importation of foreign barley with a view to saving Irish barley growers from economic ruin.

**The PRESIDENT:** A somewhat similar question was asked on the 31st July last, and I understand that another question is going to be raised on the adjournment, dealing with some labour disputes which at present exist in portion of the territory under our jurisdiction. It was my intention in answering the question about barley to deal with the other question also at the

[The President.]

same time. If the Deputy would agree I would postpone making that statement until after this other question has been raised. I have given the matter careful consideration, and I came to the conclusion that the two subjects were intermixed and that the matter would be best dealt with in a statement on the second question which, although it may not have any appearance of association with the other question is, in my opinion, bound up with it, and I propose to deal with it in the statement I am to make. If the Deputy would agree to that I would postpone making the statement until after the other question has been raised on the adjournment.

### QUESTIONS ON THE ADJOURNMENT.

#### LOUGH SWILLY AND LONDONDERRY RAILWAY STOPPAGE.

**Mr. JOHNSON:** I beg to give notice that I will raise on the adjournment a matter of urgent public importance, that is the question of the stoppage on the Lough Swilly and Londonderry Railway and the effect of that stoppage on the industries of Tírconail.

**AN CEANN COMHAIRLE:** Has the motion the support of twelve Deputies? The necessary support having been indicated,

**AN CEANN COMHAIRLE:** The question will be taken at 7 o'clock, or before that if the Order Paper is finished.

#### STOPPAGE OF SALES IN WICKLOW.

**Mr. WILSON:** I beg to give notice that I will raise on the adjournment the stoppage of two sales yesterday in the County Wicklow by a member of this Dáil.

#### THE STRIKE AT NORTH WALL.

**Mr. A. BYRNE:** Before the Dáil proceeds with the ordinary business I desire to ask whether the President or any of the other Ministers propose making any announcement before the

Dáil adjourns with reference to the trouble at the North Wall.

**The PRESIDENT:** In the statement that I propose making I will deal generally with the industrial situation, and in that way I think the North Wall is just as much included as Lough Swilly, and I hope that in the same way I will be able to associate in that statement the question raised by Deputy Davin.

### DAOINE A TOGHADH CHUN FÓNAMH SA DÁIL A gCIMEAD.

#### DETENTION OF PERSONS RETURNED TO SERVE IN THE DÁIL.

**AN CEANN COMHAIRLE:** Tá orm a innsint don Dáil go bhfuil Gobhar-nóirí na bPríosún Airm agus na gCampaí Cimeadta atá luaidhte thíos tar éis a chur in úil dom go bhfuil na daoine seo a leanas a toghadh chun fónamh sa Dáil á gceimead do réir forálacha na nAchtanna chun Cosanta na Poblíochta (Comhachta Océide-acha), 1923:—

I have to inform the Dáil that I have been notified by the Governors of the undermentioned Military Prisons and Internment Camps, that the following persons who have been returned to serve in the Dáil, are detained pursuant to the provisions of the Public Safety (Emergency Powers) Acts, 1923:—

Charles Murphy, Daniel Corkery, John Buckley, Barney Mellows, Austin Stack, Michael Kilroy, Patrick McCarvill, Gerald Boland, Ernest O'Malley, Peadar O'Donnell—Place of detention, Mountjoy Military Prison, Dublin.

Eamon de Valera—Place of detention, Military Detention Barracks, Arbour Hill, Dublin.

Seán T. O'Kelly—Place of detention, Gormanstown Internment Camp, Co. Meath.

Brian O Higgins, James Ryan—Place of detention, Tintown No. 2 Internment Camp, Curragh.

Patrick J. Cahill—Place of detention, Tintown No. 2 Internment Camp, Curragh.

Patrick Smith—Place of detention, Military Prison, Dundalk.

Thomas O'Donoghue, Patrick Ryan—Place of detention, Military Barracks, Newbridge, Co. Kildare.

## ELECTION OF COMMITTEE.

[To make recommendations as to Ministers who shall not be members of the Executive Council, in accordance with Article 55 of the Constitution.]

**AN CEANN COMHAIRLE:** The next business is the election of a Committee to make recommendations as to Ministers who shall not be members of the Executive Council, in accordance with of the Constitution. The practice has been that Deputies get their ballot papers from the Clerk at the table and that the Dáil adjourns for an hour for the purpose of carrying out the election. The ballot box will be on the Clerk's table. It was arranged to have the election between 3 and 4 o'clock, but we did not take account of questions, so the Dáil can adjourn until 4 or 4.30, as Deputies think fit.

**DEPUTIES:** Four o'clock.

**AN CEANN COMHAIRLE:** Is four o'clock sufficient then?

**Mr. JOHNSON:** Had we better not wait until we know how long the distribution of papers will take? If it takes ten minutes that means that there will be only twenty minutes for consultation as to how the papers should be marked.

**AN CEANN COMHAIRLE:** Perhaps we had better adjourn until 4.15.

**The PRESIDENT:** I beg to move the adjournment until 4.15.

Agreed.

**AN CEANN COMHAIRLE:** Deputies will get their papers from the Clerk and will put the papers into the box provided for them before 4.15. The votes will then be counted and the result announced before the Dáil rises.

The Dáil adjourned at 3.30 until 4.15 p.m.

The Dáil resumed at 4.15 p.m.

**AN CEANN COMHAIRLE:** Ninety-seven ballot papers were issued.

## ELECTION OF LEAS-CHEANN COMHAIRLE.

**AIRE UM IASGACH (Fionán O Loingsigh):** Cuirim os cómhair na Dála go dtóghfar Pádraic O Máille mar

Leas-Cheann Comhairle. Fear maicánta, deagh-mhúinte iseadh Teachta O Máille agus bhíomar go léir lán-tsásta leis fad a bhí sé mar Leas-Cheann Comhairle againn. Bhí aithmhéula orainn nach rabh sé in-ánn euidiú leis an gCeann Comhairle mar bá choir ar feadh i bhfád acht tá áhas orainn anois go bhfuil sé co-láidir, slán 's a bhí sé ariamh agus go m-beidh sé abalta feasta cabhair mór a thabhairt don Cheann Comhairle, Cuirim an rún ós bhur g-comhair.

**Professor ALTON:** With very great pleasure, I second the proposal of the Minister for Fisheries, that Deputy Pádraic O'Máille be our Leas-Cheann Comhairle. It needs no words of mine to commend Deputy O'Máille to the Dáil. His good qualities are as great and conspicuous as his stature. We all know his geniality, his humanity and, what is essential in one who will occupy your Chair, sir, impartiality. It is with a special pleasure that I second the proposal.

Question put and agreed to.

**PADRAIC O MAILLE:** A Chinn Chomhairle agus a co-Theachtaí, táim an-bhuideach díbh mar gheall gur toghadh mé mar Leas-Cheann Comhairle; geallaim díbh go n-déunfad mo dhícheall chun an obair a dheunamh mar ba chóir agus go d-tabharfad cóthrom agus ceart do gach duine ins na díosbóireachtaí a bheas againn annseo. Déunfad sin co fáda agus atáim agaibh mar Leas-Cheann Comhairle.

A Chinn Chomhairle and fellow Deputies, I am extremely grateful to you for having selected me as Leas-Cheann Comhairle, and I promise to do my best to carry out the duties of that office. When I am presiding over the Dáil, I shall endeavour to see that every Deputy who wishes to take part in the debate shall get fair play. I wish again to thank the Deputies most sincerely.

## APPOINTMENT OF SESSIONAL -SELECTION COMMITTEE.

**AN CEANN COMHAIRLE:** We have on the Order Paper three Committees to be chosen to-day. There has been some discussion on the matter during the adjournment, and the President, I think, has a suggestion to make.

**The PRESIDENT:** I think it is the general opinion that Committees set up by the Dáil should bear as close a resemblance to the constitution of the Dáil as is reasonably possible. The Committee to be elected to make recommendations as to Ministers who shall not be members of the Executive is, in my view, a suitable body to make suggestions with regard to the appointment of other Committees, and the ballot which has just taken place ought to be a very fair reflex of the opinions of Deputies. It occurred to me, on seeing on the Order Paper the appointment of three Committees, that that would mean three other elections, if we were to get the same reflex as we hope to get from the ballot that has just taken place, and in consultation with the Ceann Comhairle, I pointed out that while some Deputies might be perfectly willing to act on some Committees they might not either like the work of other Committees, or possibly would not be able to afford the time. I would suggest, therefore, to the Dáil for its consideration that the nomination of members to act on the Committee on Procedure and Privileges, the Committee on Standing Orders for Private Bill business, and the House Committee should be left to this Committee that will be elected to-day.

In that way I think the various sections in the Dáil will get fair representation, and if it should happen, by accident, that any party might get more than its due share, our experience in the old Dáil was that there was always a readiness to give and take with regard to these matters, the real underlying idea with all here being to get Committees appointed which would be as near as possible to what might be called the least common multiple of the whole Dáil. I suggest, accordingly, that this Committee, which will make recommendations as to the Ministers who shall not be members of the Executive Council, should nominate the Committees which are set out under headings 3, 4, and 5 on the Order Paper.

**Mr. JOHNSON:** I think the suggestion of the President is a workable one and that it ought to give satisfaction. I will support him.

**Mr. DARRELL FIGGIS:** I was going to suggest that it might be desirable that the principle that the President has stated should be extended further, and that the Committee to be elected to-day should continue as a Committee of Selection, not only for the three Committees referred to, but for any subsequent Committee desired by the Dáil, and that they should forward nominations and remain during the whole of this Session in existence as a Committee of Selection.

**Mr. D. J. GOREY:** We are quite satisfied with the suggestion made by the President. We think it is a workable suggestion and we agree to it.

**AN CEANN COMHAIRLE:** There will be no difficulty about making it a Sessional Selection Committee.

**The PRESIDENT:** Very good. I move: "That Deputies elected to the Committee to make recommendations in accordance with Article 55 of the Constitution, be appointed a Sessional Committee of Selection with power to nominate Deputies to serve on any Special Committee that it may be deemed necessary to set up throughout the Session; that the quorum of the Committee be seven."

**Mr. JOHNSON:** I second.

Question put and agreed to.

## **COURTS OF JUSTICE BILL, 1923.— SECOND STAGE.**

**The PRESIDENT:** I beg to move the Second Reading of the Courts of Justice Bill, 1923. There are just a few words I would add to the explanation which I made in introducing this measure. Its main and most notable feature, other than that of District Justice Courts, which could hardly be described as quite new, by reason of the fact that they have been in existence for some time and have given considerable satisfaction, is the scheme of Circuit Courts which has been borrowed to a large extent from the Dáil system or, for members who may not have been in close touch with that system, to the system of Courts set up under the First and Second Dáil. These Circuit Courts will take the place, firstly, of the ex-

isting County Courts, and, secondly, so much of the High Court jurisdiction as related to the everyday legal business of the country which ought to be disposed of locally. They will deal with cases of actions in which sums of money up to three hundred pounds are involved. They will also deal with actions in connection with land where the land does not exceed in annual value £60, and they will deal with the administration of property up to £1,000. They will also deal with criminal business, but not the graver criminal charges which are capital offences. The Judges will keep moving about from place to place during the year, sitting to hear cases with ample time for the consideration of them. In that respect they will differ much from the old system, from what is called the old British circuit system which gave rise to some abuse by reason of the inadequate time allowed for the hearing of cases.

Any possible congestion of business under the Circuit Courts will be relieved by the transfer to the District Justices of small actions, including those for shop debts up to £25 and for small cases in which claims for damages arise or trespass up to £10, and the smaller classes of ejectment cases. There will be reserved to the High Court the important cases in so far as is indicated by the amount involved and in so far as the importance is indicated by legal questions sufficient to justify the transfer of the hearing to the High Court. Instead of the old system of appeals, which, I think, is generally admitted to have been a failure in this country, appeals from the County Court will be taken on verbatim notes of the evidence and of the Judge's charge. This is considered by people who have had experience to be a great improvement in the administration of justice. Another new feature of the Bill will be the Central Criminal Court set up in Dublin, for Dublin and the counties immediately surrounding, for the graver classes of offences, to which the death penalty attaches, and other cases which, owing to special circumstances, it might be considered necessary to transfer to that jurisdiction.

The Bill also provides in a criminal appeal something which has been long agitated for in this country and may be regarded, perhaps, as the first step in more extensive criminal reform. The pinnacle of the structure is the Supreme Court of Appeal, which will now for practical purposes be the final Court of Appeal in this country, and which it is desirable to set up as soon as possible in order that the Court of last resort may command the confidence and respect of the people.

**MINISTER for EXTERNAL AFFAIRS (Mr. Desmond Fitzgerald):** I beg to second the motion.

Question: "That the Courts of Justice Bill be read a second time," put and agreed to.

Committee stage ordered for Wednesday, 3rd October, 1923.

**AN CEANN COMHAIRLE:** Deputies should send in amendments as early as possible, but not later than next Monday.

## **COMMITTEE ON FINANCE.**

### **MONEY RESOLUTION.**

**The PRESIDENT:** I beg to move:

"That for carrying out the provisions of any Act of the present Session to provide for the establishment of Courts of Justice according to the Constitution, and for the better administration of Justice, it is expedient

(a) to authorise the charge upon the Central Fund of the remuneration and pensions of the Judges of the High Court, the Supreme Court and the Circuit Court;

(b) to authorise the payment out of moneys provided by the Oireachtas of the remuneration of temporary Assistant Circuit Judges, the remuneration and pensions of Justices, Deputy-Justices, and Temporary Assistant Justices of the District Court, and any other expenses incurred in carrying such Act into effect."

I may say that the necessary Message has been received from the Governor-General.

**Mr. JOHNSON:** The motion that is now before the Dáil is a motion that would authorise the expenditure of

[Mr. Johnson.]

money, and the debate that ought to have taken place on the Second Reading of the Bill may take place on this motion. I want to say very little regarding the Bill, of which the Second Reading has been given, except that I think there are certain omissions, which might well have been included in the Bill and which undoubtedly would require a larger expenditure of money. Therefore, what I have to say is appropriate to this motion. What I think, in regard to the Bill in general, is that there are two or three proposals that might still be considered, might, as a matter of fact, be more properly considered when dealing with the rules governing the conduct of the Courts, but I am not sufficiently familiar with the process of the administration of the law to know whether I am right or wrong on that.

I would like that there had been something in the Bill to improve and extend the provisions of Children's Courts. I think that the experiments on the trivial offences which are allowed to go before Children's Courts now have proved satisfactory, and justify an extension of the operation of those Courts, and that such Courts should be empowered to deal with even more serious cases than the present Courts are allowed to do. I think the experience of those who have been familiar with the work of those Courts would support what I say, and that children who are guilty, or at least who are being tried for more serious offences, might well be brought before Courts which are not Courts in the minds of the people, but are rather places where strict fatherly advice might be given and minor punishment inflicted. The children should not be brought into contact with the atmosphere of Criminal Courts. I think that a great deal of money might be saved to the country if there was some application in Ireland of a system which has been introduced with success in one or two Continental countries and is advocated by experienced Judges in England, of some kind of a conciliator rather than a Judge, whom the parties can approach, and perhaps even whom the parties must approach

in certain classes of cases before the trials take place or litigation is persisted in. It has been found, I understand, in Norway that a very large percentage of the cases are settled out of court through the operations of, shall I say, this conciliator, and that very many cases which are not settled are not persisted in because of the advice of this impartial person in regard to the prospects of the case. I think that is a reform which might well be introduced here and would, perhaps, cure the country of a disease which is very prevalent, the epidemic of litigation.

Another point I would like to raise, and this is the only one. Perhaps this is particularly the one that ought to be dealt with in the Rules, but there are members of the Dáil who will be quite familiar with the movement in industrial circles towards consolidation, and the removal of lines of demarcation, such as the amalgamation of unions. It has led to a great deal of economy and oiling of machinery. I think there should be something of the kind done in respect to the legal profession, and that the strict lines of demarcation between Solicitor and Counsel should not be persisted in. I think there should be no compulsion upon a litigant to pay a Counsel as well as a Solicitor if he is satisfied the Solicitor can do his work satisfactorily. I would like to have seen a reform in that direction which would enable the Solicitor, if his client is satisfied with his advocacy, to appear before the Court. The employment of a Counsel should be optional. I am sure there is a great deal of disagreement within the profession on that proposition, but I am informed authoritatively that very highly experienced lawyers believe the time has come when there should be either an amalgamation of the departments of the profession or at least greater facilities for appearance, in the Courts, of the Solicitors. I suppose I should add that the Counsel and Barristers should have the right to defend and do work which Solicitors now are entitled to do. Perhaps before the discussions on the Bill itself are completed we may hear some observations on those points by those who are competent by their experience to deal with them. I

throw them out as the mind of a considerable section of laymen who are anxious to get justice done as cheaply as possible. There is a pretty generally accepted belief that the country is over professionalised and that amongst the professions in which there are too many practising, the legal profession predominates. If it were possible gradually to eliminate half the lawyers in the country I think the country would benefit.

**Mr. P. J. McGOLDRICK:** Ba mhaith liom an t-Uachtarán agus an Rialtas do mhola mar gheall ar an mBille seo. Sílim go dtugann sé dlighe córao, saor dúinn.

I wish to congratulate the President and the Government on this Bill, which, in the main, I think is excellent, one which, for the first time in this country, gives us convenient and cheap law and is an illustration of the value of native government. The Bill for the most part follows the system of the old Dáil Courts and I think the Judiciary Committee and the Government were right in following this system rather than the system of the clumsy British Courts.

**Mr. WILSON:** On a point of order, are we discussing the Bill at the moment?

**AN CEANN COMHAIRLE:** I was hoping the Deputy would come to the motion. The motion is to provide money for the payment of the Judges. Deputy Johnson protested that he was going to be in order, and of course was not. The protestation showed that he knew that.

**Mr. McGOLDRICK:** I thought the discussion on the Second Reading ended so abruptly that it would be necessary on the part of Deputies to put forward views that might bring the Bill more into harmony with the conditions as they exist, and it is with a view to putting them before the Dáil that I proposed to continue the debate on the subject.

**AN CEANN COMHAIRLE:** The Deputy could have spoken on the Se-

cond Reading, and there will be a Committee Stage. There will be ample opportunity in Committee.

**Captain W. A. REDMOND:** Before this resolution is passed, I should like to ask the President a question, as this is a resolution to authorise a charge upon the Central Fund of the remuneration and pensions of the Judges of the High Court, the Supreme Court and the Circuit Courts. The appointing of these Judges will, of course, necessitate the doing away with existing Judgeships, and I would therefore like to ask the President if he could enlighten us upon this question, namely, where is the money to come from out of which the existing Judges are to receive their pensions, and I think it is a very fair question, arising from this Resolution.

**The PRESIDENT:** That is provided for in the Appendix to the Consequential Provisions Act of 1922. The particular salaries that are paid to these Judges have been provided for, that is for the existing Judges, in our Estimates for this year. The Resolution provides for such moneys as will be necessary to pay the Judges appointed under this Act. As far as the old Judges are concerned, that is already provided for, but this is a new service now. On the passing of the Act it will be necessary to appoint those Judges, and this is the system we have adopted up to this, that immediately before the Committee Stage a Resolution authorising the charge upon the Central Fund is passed, and as far as the Bill and this Resolution are concerned the salaries of the Judges who will be appointed under the Act are only dealt with.

**Captain REDMOND:** Do I understand the President to say supposing some of the existing Judges are kept on that that will be a saving of money to the Free State Exchequer?

**The PRESIDENT:** Yes.

**Captain REDMOND:** I am glad to hear that.

Resolution put and agreed to.

## THE DAIL RESUMES.

Resolution reported.

**The PRESIDENT:** I move that the Dáil agree with the Committee in this Resolution.

Agreed.

## THE ADJOURNMENT.

### DERRY AND LOUGH SWILLY RAILWAY DISPUTE.

**AN CEANN COMHAIRLE:** In accordance with the notice given by Deputy Johnson, the matter of which he has given notice comes before the Dáil now.

**Mr. JOHNSON:** I desire to raise this question regarding the stoppage of the Lough Swilly Railway, with a view to preventing the development of the dispute there and, perhaps, preventing the deprivation of the people served by this railway of means of communication for a considerable time. It is not the first time that the question has been raised here of the administration of this railway. There was a dispute in the early part of August of this year, and a stoppage or threatened stoppage of the railway, and it is necessary to go back to that date to understand the reasons for the present strike or lock-out. In August two clerks of long service were notified that their services were no longer required, on the grounds that there was no work for them. Now, every member of the staff knew that both of these men and the staff in the office where they worked were fully occupied, and, as a matter of fact, they were working harder and more continuously than at any previous time, and it was felt generally that there was no truth in the suggestion of the management that these men were being dismissed because there was no work for them. But it was also pointed out at the time that the clerks and the stationmasters on the line who were entitled by agreement to a holiday were being deprived of their holiday because of shortness of staff. Owing to the intervention, I think, of the Ministry in the North East Government—the Minister for Labour, Mr. Andrews—an agreement was arrived

at whereby the company withdrew the dismissal notices for one month so as to give the company the opportunity of finding other suitable work for the two men alleged to be redundant, and that no dismissal was to take place except in consultation with the Union. I ask the Dáil to bear in mind that there was no general agreement that the shortage of staff was a fact, that it was because of the shortage of staff that the company alleged that they were not in a position to carry out their agreement, which was part of the National Railways Agreement.

The manager of the railway, Mr. Hunt, along with his son, runs this railway without supervision and, I think, without responsibility, but I suggest that they have as a matter of fact responsibility for the greater part of the line to the Government of Saorstát, but that they run this company without responsibility so far as one can gather. Mr. Hunt was written to repeatedly in connection with this matter, and in a letter to the Irish Secretary of the Railway Clerks' Association, as late as September 3rd, admitted that 79 per cent. of the stationmasters and 40 per cent. of the clerks had not even then obtained their annual holidays for this year, and he concluded his letter with this statement, that "with the available staff we have done the best possible and cannot do more." Now, notwithstanding that statement, these two officers were served with a notice of dismissal as from the 22nd of September, again on the ground of redundancy. It is as well to state that when first being verbally informed of their dismissal in August last the men were told that as they had now reached the maximum of their scale, £180 a year, the company could not afford to keep them any longer. That attitude was receded from and redundancy was substituted as the explanation why these men were to be dismissed. Now the Union concerned has adopted every means possible to come to reasonable terms with the management of this company. I think that everyone will agree, and I think I can challenge contradiction from the Department concerned, that the Railway Clerks' Association have always tried to meet difficulties reason-



ably and have endeavoured everywhere with every company to see the point of view of the company and to meet it where possible. They have done and are willing to do the same with regard to this company, but it seems to be fairly clear from the experience in this case, as from experience in frequent cases, the manager is endeavouring to force the hands of the State, whether the Northern Government or the Free State Government, to do something for the company to save it and to save him. It is known to everybody in that part of the country that the management is not as considerate on the question of expenses, wasteful charges upon the company, when he himself is concerned, as when he is dealing with questions relating to railway employees.

In this case it is obvious that the alleged reason for the dismissal of these two men is not the real reason. It is necessary that the real reason—if there is another reason—should be stated. We have a right to assume that the reason given, that there is not work for these men, is the one that they will rely upon. I am putting it forward that, in this case, as invariably in well-managed undertakings, not the oldest or experienced officers should be dismissed when there is redundancy, but the newest recruits: and the “last in, first out,” when dealing with dismissals because of redundancy. That is the well-established principle, and it is one that meets with general approval. The spokesmen for the men concerned in this company endeavoured, by letter and telegram, to postpone action for even one week, so that there may be a conference, so that there may be an attempt to find out whether any conciliation in the matter could be arrived at.

The following letter was sent to Mr. Hunt, the General Manager, on the 22nd of September, by the Secretary of the Railway Clerks' Association:—

“I regret to state that your inexplicable and deplorable attitude in this case has left your staff no option but to withhold their labour as from midnight on Sunday, 23rd instant, until such time as you see your way to observe the universally recognised

method of negotiation between employer and employee.

“Taking all the circumstances into consideration, one is reluctantly forced to the conclusion that there has been no desire on the part of the Company to discuss the question in dispute, with a view to arriving at an amicable settlement.

“My modest request for a postponement of the dismissal for one week, without prejudice to the Company, so as to give time for negotiation with the Chief Officers of the Association present, was ignored. My wire of the 20th instant reiterating this request was not replied to. You were in Dublin on Thursday last, but your Londonderry office refused to give us your Dublin address so that I might get in touch with you. When I at last discovered your whereabouts through another source and requested you over the telephone to meet me, you declined on the plea that you were leaving for your train, although it was not due for fifty minutes.

“You declined the requests of two Ministers (Free State and Northern Ireland), backed up by the Parliamentary representatives of the district served by the Railway, to postpone action even for one week and to give time for proper negotiations.

“You will agree that this is hardly the attitude of a man anxious for a peaceful settlement, and I am reluctantly forced to conclude that no settlement was desired, though I do not pretend to know the reasons for this extraordinary state of mind. They are probably known only to those responsible for the management of the Londonderry and Lough Swilly Railway Company.

“The unoffending people of Donegal and district will be severely hit by any interruption of the services, and in their interests I would appeal to you, even at this late stage, to be a little more reasonable. You will find me, and those for whom I act, ready to do everything humanly possible to avert trouble in connection with a matter which we could settle in five minutes with any other railway company in Ireland.”

That letter is signed by Mr. J. T.

[Mr. Johnson.]

O'Farrell, Secretary of the Railway Clerks' Association.

Now, Mr. Hunt has sent telegrams to Deputies of the Dáil, wholesale, asking that this matter should be settled, or, at least, that the work should be resumed, for the sake of the fishing industry, which is now in full swing. I hope it is. The men concerned are very anxious that work should be resumed. They are very anxious that this matter should be settled amicably, but they contend, and rightly, that there should be meetings and conferences, and that regular procedure should be adopted, as has been agreed upon by the railway companies, and which agreement the Company is bound to support. The Management of this Company is most unsatisfactory. The Manager is responsible to the Free State Government for the management of three parts of the line. The line is, in fact, to the extent of three parts of it, Government property. It was built by Government money, and I want to urge upon the Ministry the desirability of dealing with this matter immediately with a view to the resumption of the work on the railways, and with a view to seeing that the future conduct of the Manager in relation to the employees of the Company will follow something like normal procedure, and that the Manager should be compelled to account for his conduct of the Company, to an authority which the Government, whose money is invested in the Company, has some confidence in.

I do not want to go into further details. The Ministry here is conversant with the facts, or, shall I say, with the history of this line for the last year or two, and with the constant pin-pricks for which the manager is responsible, and I make bold to say there are reasons outside railway management which led him to run the railway in the manner in which he is running it and which involve such frequent disturbance of the traffic on the line, to the loss of the people of Tirconail.

**Mr. McGOLDRICK:** I wish to say that it was only when I arrived here in the Dáil to-day that I learned this subject was to be brought forward with regard to the railway company. We,

as the Deputies of Tirconail, represent the area served by this railway. We have a penurious railway company, and we have a somewhat bellicose trades union, I suppose, and we have a storm between those two, both of whom our county is paying, and the area that is supposed to be served by this line has to stand by and bear the sacrifices of the want of a service and the destruction of the whole of its economic condition as a service. I am not going to enter into the question as to who is at fault in this dispute, but I think it is possible there are some faults on both sides. Neither am I going to take up any attitude of condemning the manager of a railway company. The men whom I condemn in this transaction are the Board of Directors, because the manager is only the servant of the directors and he is amenable to the instructions he receives from his directors. I am quite confident whatever action he is taking in this matter is guided, inspired and directed by the directors in control. As to his ability to solve the difficulty, I am not satisfied. This question turns upon two men. The railway company, so far as I can understand, were prepared to accept the conditions of the week for consultation, but during that week the two men were to stand dismissed. The railway servants claim that they were satisfied with the week's interval for negotiations, but pending these negotiations the two men should remain in their employment and then be subject to dismissal, should the negotiators so decide. That is the whole point at issue between the railway company and the men in this particular case, so far as I can see; but I think there must be some inspiring agency that is guiding these railway directors and this railway manager towards endeavouring to promote some sort of disaffection among either its men, or, in any case, those in some area of its control, and I think they must have some other motives, because those little things are not at all so awfully important that a railway company should condemn the whole service, which covers a very large and extensive area, and serves 100,000 people and thirty-one towns, to complete dislocation.

The agency they allege that is at the

bottom of all this, and as governing their action, is that the railway is not a paying concern. I suppose that matter pertains to railways in general at the present time and, therefore, this railway does not stand alone in that particular matter. I think the right way to try and get over that difficulty is not to begin to create friction with their employees, or to restrict or curtail their services, but rather to endeavour to develop them to such an extent as would undoubtedly bring some recompense to the railway, and bring it to a position where it would become a paying concern, instead of taking the other road and driving everything into chaos and destruction. That seems to be the tendency and object of the railway management of the line at the present time.

In August last I had occasion to arraign them before this Dáil with regard to the restrictions of the services on a very large extent of line to which they contributed nothing in the making, and which was not part of their assets, but was a very profitable portion of a bargain they made with the British Government when it was here, and from which they were able to amass a great deal of money. In regard to that particular branch of the line I think the Government here are somewhat at fault. I understood during the time of the British Government that with regard to the portion of the line—Letterkenny to Burton Port—there was always an inspector there from the Board of Works who kept matters under supervision in the interests of the State which owned the line, but immediately that that line and others passed into the hands of our own Government, this agent seems to have passed away and there seems to be no one now to hold the railway company to their obligations and see that the district gets the service to the extent to which the people of the district are entitled. It is a district that very badly needs railway service, and is at present suffering most intensely from the agencies complained of here.

I think some inquiry must be made into this dispute and made at once because it is necessary in the interests of the people who are served by that railway, and if some drastic steps are

not taken I cannot see any possibility except of matters going from bad to worse until the whole system may be reduced to scrap or at any rate until it may be unable to continue at all. As portion of the line, two miles of the 98 miles, is within the area of the Northern Parliament and the other 96 miles is in the Free State I think that co-operation and collaboration between both authorities is necessary in ensuring or compelling the company to do its duty to the people whom the railway was made to serve. I think it is up to the Government at the present time to take some drastic action to ascertain whether the agencies that are operating are agencies that are purposely operating to try and destroy the prospects of the community and railway, or whether it is due to the accident that the line is not a paying concern; and then they would see before them if it is ever to become a paying concern under the present existing conditions. That is the only thing I can see. I cannot arrive at any conclusion as to the merits or demerits as between the employees and the railway company, but I urge the Government to see that a proper representative is put in charge and to see that the company is made to discharge its obligations in accordance with contract and that the people get the service they are entitled, and that no other impediments are put between them and the services which they are justly entitled to receive.

**Major MYLES:** I desire to take this opportunity of urging on the Government the necessity for instituting an inquiry into the working of this railway. These recurrent strikes are a serious and very great inconvenience, and cause an immense amount of dislocation in ordinary traffic and inconvenience in social life. Serious complaints have been made as to the management of this railway. I will not enter into the merits of the dispute between the company's servants and themselves, but I urge the Minister for Industry and Commerce to avail himself of this opportunity of having a thorough investigation made into the entire working of the system.

**Mr. DAVIN:** During the discussion

[Mr. Davin.] on the Estimates in the third Dáil in the early part of the year, I made certain statements with regard to the management, or I should rather say to the mismanagement of this line. *Deputies who were present on that occasion will remember—and I regret it—the manner in which I was treated by those responsible on the Government benches. I think, however, they will agree now that with the changed attitude of Deputy McGoldrick, and indeed having regard to everything said here to-day, everything I said on that particular occasion was justified by events that occurred since. I made certain serious charges—and I quite agree that they were serious charges—I said at the time that I was making these charges upon the authority of people who could swear to their accuracy, and I repeat now everything I said on that occasion, and I do so for the purpose of supporting Deputy McGoldrick and the other Deputies who called for an inquiry into the administration of that particular line. It appeared to me that the management of the company, then responsible, had the idea at a certain time that the Free State would not function, and that it was therefore their duty to do everything they could, holding the views they held, to encourage and support those who would be responsible for the bursting up of the Free State. I am reliably informed that any official of the company who at certain stages of the early portion of last year were known to be favourable to the Free State, and other supporters of the Treaty, were interfered with in a manner that they would not be interfered with by the management of any other railway company. If a member of the staff, who was a supporter of the Free State, made himself any way vocal in regard to his support of the present Government he was immediately transferred to Derry City, where he was put under the control of those running the Belfast Parliament.*

That is the general attitude of those who were responsible for the administration of that company and who are responsible for the administration of funds that are voted by the Dáil out of the pockets of the taxpayers of the

Free State area. I, therefore, contend, seeing there is no change of attitude on the part of the people responsible for these things, that it is the duty of the Deputies of the Dáil to demand that an immediate investigation be held into the administration of that particular concern. We are told that they are unable to pay their clerks at the rate of £180 a year. I am satisfied that if an enquiry be held into the expenditure of this company, it will disclose a most extraordinary state of affairs, so far as the expenses and salaries of those two individuals who control the company are concerned. I am told that the weekly expenses of the manager and his son would, perhaps, amount to more, on some occasions, than the salary of the two individuals who have been referred to.

According to an old Act of Parliament, this company were obliged to run a certain train service. When I referred to this particular matter on the last occasion in the Dáil, it was at a period when the company was not carrying out its obligations in that respect. They transferred their rolling stock, which was built and paid for out of public funds in this country, into an area where it would give a better service to the Six-County section than to the section they were supposed to serve and for whom the money was allocated. Deputy Johnson has travelled over the merits so far as the present dispute is concerned. The plea of redundancy is a wrong one, and, at any rate, could not arise except there was no work to be found for the two individuals whose services are being dispensed with. It has been stated and it is, I believe, correct, that 79 per cent. of the station masters and 40 per cent. of the clerks have not got the holidays they are entitled to get, in accordance with the agreement signed by the General Manager of this company. The question of redundancy cannot arise until that 79 per cent. of station masters and 40 per cent. of clerks have got the holidays they are entitled to. If the company are anxious to carry out to the letter the agreement which their own manager signed and to give these officials the holidays they are entitled

to, they can find work for the men they are endeavouring to dismiss. I support in every way the statement made by Deputy Johnson. I do not intend to go into it at any greater length, because I happen to be a member of the Association to which these two particular individuals belong. But I am quite prepared to allow the whole question of the management—or mismanagement—and administration of this company to be dealt with by any impartial tribunal set up by the Dáil. I contend that it is the duty of the Deputies here to demand that such a tribunal be set up in the interest of those who are called upon to pay for the guaranteed section of the line.

**MINISTER for INDUSTRY and COMMERCE (Mr. McGrath):** I am sorry that this matter has been introduced here. It may be, perhaps, that the people who tried before to bring about an enquiry in connection with this railway, avail of the opportunity, which the present trouble there affords, in order to press their case. It is most unfortunate that disputes, such as this dispute, should be brought up here, particularly by members of the Labour Party. They know how delicate these matters are. I have been in conference with some of them dealing with situations such as this and they are aware that it is a most delicate business. If this is to be a precedent, we will have every dispute that occurs in the country brought up here by the representative of the constituency in which it occurs and the merits and demerits argued out.

I am not going into the merits or demerits in this particular case, but I would point out that six weeks have elapsed since this trouble commenced. It was agreed to postpone the dismissal of these two men for a month in order to investigate the case. What is the result of that investigation, or did such investigation take place? We do not know. At least, the Dáil has not been told. After that month the two men concerned got a fortnight's notice, and on Saturday or Sunday of last week an effort was made to have these cases decided by a body which was meeting on the 27th. The manager proposed to reinstate the two clerks in question

and pay them for the time they were off, although he claimed the meeting on Thursday had no right to deal with a question such as this. The representative of the Railway Clerks refused that, as he was entitled to do, except the men were kept on for another week. Meantime two representatives from England intimated their intention to attend to represent the men dismissed, but it seems strange to me that six weeks have been allowed to elapse and that these men did not think it worth while to come over from England. I have had a similar experience in connection with English representatives elsewhere. It occurs very often, and at the last moment they appear on the scene and want further time. It will be a most unfortunate thing if those questions are raised in the Dáil. A question could very well be raised in connection with the dockers' dispute, which is as important as, if not more important, than the dispute under discussion. Two representatives from the particular area are pressing for an enquiry. It is very well known that re-organisation of the whole railway system is about to take place. At least, a Bill is about to be introduced and, if that Bill is passed, one of the first things to be tackled will be this question of the small railways. It is a very serious question, and the railway in question is being run at an extraordinary loss. While the Government is responsible for a large portion of the line, it is undoubtedly paying a very small sum compared to what it is costing the company to run that particular line.

These are facts. At the moment the time is not ripe for such an enquiry, but it is one of the first things that must be tackled as soon as the re-organisation of the railways is completed. I think that a discussion such as has taken place only prejudices the case that is to be discussed, and I hope will be discussed with the two representatives coming from England representing the men. As far as my information goes regarding the particular dispute I would not like to say anything on it. I have certain information, and it would certainly rebut a good deal of the evidence which comes from one side only in this matter. My informa-

[Minister for Industry.]  
tion is different. As I said before, I am not going to mention what it is, because I do not want to be the one responsible for prejudicing the case, which must be heard on its merits this week.

**Mr. DAVIN:** I wish to correct a wrong impression which the Minister appears to have received from somebody, that it is necessary for two representatives to come from England before anything is done. I want to tell the Minister, and I thought he was aware of it, that there is an Irish official of the organisation who represents these two men, and who is in a position to make a definite settlement with the people responsible for the dismissal of the two men.

**The PRESIDENT:** There was a question—

**Mr. DAVIN:** I want to know before the President makes his statement is he to be taken as concluding the debate on this particular question?

**AN CEANN COMHAIRLE:** The motion is that the Dáil do adjourn. The question of the Lough Swilly Railway has apparently been disposed of.

**Mr. DAVIN:** I want to know, as a matter of order, if any Deputy can speak after the President has made his statement.

**AN CEANN COMHAIRLE:** What is the statement to be about?

**The PRESIDENT:** It will deal with the question of barley and also industrial disputes and the general industrial unrest. I have no objection to have a discussion on whatever I have got to say. This arises on a question put by Deputy Davin as to the price of barley, on Deputy Byrne's question about the Docks, on Deputy Johnson's statement about the Lough Swilly Railway, and a matter of which I have got private notice from Deputy Liddy concerning the bacon factories in Limerick. I might say that we have been considering not so much industrial unrest as the whole economic outlook at the moment, which may perhaps be more

responsible for the industrial unrest throughout the entire country than the mere accident of a dispute here or an interruption of business there. The number of these disputes and the industrial unrest they indicate are matters of the most serious importance for the entire community. A great number of employers in a great number of trades seek reduction of wages which are violently resisted by the men. The shipping services are dislocated, some ports being almost closed, and the net result of this on the export of cattle and agricultural produce is such that the country is faced with an enormous loss.

I have figures here showing a comparison between the months of July and August for bacon, eggs, fish, margarine, oats and spirits. In July £145,657 worth of bacon was exported and in August £15,499; eggs, £225,269 in July, £192,971 in August; fish, £32,122 in July, and £2,369 in August; margarine, £6,851 in July, £959 in August; oats, £15,000 as against £6,000; spirits, £40,000 as against a little less than £10,000. The case of cattle is much more serious. For the months of June, July and August, 1922, the total was 90,836; this year, 23,534. As to the question raised by Deputy Davin, I have figures which are rather remarkable. It appears that for the twelve months ended March of this year the total importation of barley into Ireland was 11,724 tons. For the corresponding period, that is the previous twelve months up to March, 1922, the total was 25,711 tons; that is to say, more than twice what was imported during the twelve months ending in March this year. For the years 1909 to 1913 the average was 60,400 tons.

**Mr. DAVIN:** Have you the figures for malt?

**The PRESIDENT:** I have. 1923, 36,000 tons; 1922, 30,000 tons. That indicates to me that there is something more than the importation of stuff affecting the price, that it is not a question of an excess of imports that is affecting the price in this instance, but that there must be something else. From investigations that we have made we have discovered that business in

Cork is at a stand-still, that the bacon trade is closed down and that many other disputes are causing grave loss and hardship.

It is pointed out in a special report by the Minister for Industry and Commerce that these are not the times, after having sustained very severe losses during the last few years, that we can afford the luxury of industrial unrest. We are appealing in this case to both parties to these disputes, both of which, from any examination I could bring to bear, are equally to blame, or at least could be charged with a considerable portion of the blame. We are faced with a very serious situation. Agricultural produce, and agriculture in general, is the mainstay of the business of this country. Any person to whom you speak having any knowledge whatever of agriculture will tell you that it is not an economic proposition at the moment, that it is not a paying concern, that its prospects are low and that there does not appear to be very much hope of any great improvement in the industry. From all sides one hears that the cost of production exceeds the price that can be obtained. It is obvious from that, that there must be some reduction in the cost of production, otherwise we are giving other people—people to whom we sell our goods—the benefits of the high cost of production. We are making them a present of the goods. It appears to us that unless a very considerable reduction be effected in the cost of living the cost of production will not, and cannot, come down. An examination of the cost of production shows that every single order in the community is to blame, and the fallacies we have learned, or that were bandied about during the war period, of the shortage of output—fallacies that have been learned by people who made money easily during that period—have now got to be unlearned by others, and the whole economic situation has got to be reconsidered, from the rich banker down to the poorest working man, in all its aspects and in every phase of it. We cannot in this country afford to pay one per cent. bank interest more than is paid in England, and we cannot afford to pay in this country a price for labour in excess of what is paid in

much richer countries whose output is greater and whose possibilities of extension and improvement and development are greater than ours. Unless there be a reasonable spirit of compromise from every section of the community there is very little hope of the development of commerce or anything else in this country. If there is going to rule in the future, low prices for agricultural produce, we have got to do one of two things. We have got to lessen the cost of production, or we have got to put up with fewer of the luxuries to which we have been accustomed during a time of extravagance and prosperity. I think it will be admitted by any person who has made any examination whatever of this question, that the war years were years of wonderful prosperity, when capital was being spent as revenue, and when everyone passed on liabilities to somebody who came after. From any examination, and from what we have been able to learn from any of the experts engaged, it is not possible to maintain high wages and high prices. It is unreasonable to expect a reduction in wages unless there be a reduction in prices. We are not unmindful of the dangers of propounding these particular headlines to a community which has become accustomed, in the first place, to high wages, and in the second place, to high prices. Some of the main contributing factors to the high cost of living are, in the first place, what I have said, bank interest, the price of bread, and another article which some people call an article of food, some a luxury, and more an article of infamy—beer, porter or stout, or whatever you like to call it; the price of meat and the rates of local authorities. The rates of local authorities in this country are beyond the capacity of the people to bear, and a reduction must take place in regard to them. There is no use in saying that someone must be satisfied with less. Everyone must bear a share, and everyone must contribute something. It is a time when sacrifices must be made if we are to survive and mark out any advancement in the future.

If we look at the condition of affairs in other countries it will be observed that there is no real prosperity in any

[The President.]

of them. In those countries that the Delegation which left Ireland to represent it on the Continent visited, we observed one thing, and that was the remarkable industry on the part of every country through which we passed. An effort was made to mark some advancement, and even in some places where the Exchange had become entirely unbalanced, and where the ordinary channels of trade were naturally interrupted by it, there was, nevertheless, evident industry in every city that we passed through and in most of the country places—very much more remarkable than there is in the city of Dublin or in any other of the cities or towns in Ireland. Most of those examinations that we have made of transport and transit charges disclose to us a price which no other country could equal. Costs are higher, attributable to various causes: by some people to the high wages; by other people, who dispute that, to high profits and to conditions. People claim they are entitled to high profits because they do not know when their particular business is going to be subject to interruption and they must benefit by any chance they get in commerce; they become in essence profiteers, and justify profiteering by saying that they are paying higher wages than they are able and that they must get these enormous profits to enable them to do their business. We did not come to the conclusion that we are justified in asking for a reduction of wages or an increase of output unless the other side in the dispute agree in their case to a reduction in profits and to a more generous consideration of the claims and requirements of those who are a necessary and inseparable part of their business—the working classes. It is, so far as we are able to find out, impossible to anticipate a very much greater consumption of goods, but if there be any extension of business at all it is only possible if there is generous co-operation received from all sections of the community in endeavouring to solve what is a very serious and very important phase in our national life, and that is our political economy. The Government in examining this ques-

tion took up that particular activity which requires the greatest attention and the closest study in this country, and that is building. We are prepared as far as the resources of the nation will permit to unfold schemes and to provide money for a very big scheme of building, granted that we get from both employers and employees such consideration and such guarantees as will enable us to make a success of the scheme, to come as near as possible, and to work towards coming as near as possible, to the provision of an economic house—to take away, as it were, from one section of the community a long-standing complaint, to ask from that section a contribution towards the solution of that problem which is perhaps the most crying need of that particular order, a real contribution which will benefit themselves, which will not interfere with or limit their income to any unreasonable extent, and that the other section of the community should contribute their quota in a reduction of prices such as will make it possible to make the scheme a success. We have had recently set up a Committee dealing with profiteering, and we were not satisfied at all with the amount of co-operation that there was on the part of people whose duty it was to co-operate with us in finding out what was responsible for the high prices. The work of the Committee would have been of a much higher order and of much more use to the community if there had been that co-operation. It was impossible in some instances to get information, to get replies to questions, which would justify one in coming to conclusions, and it was, on the other hand, practically impossible to get the necessary questions asked which would have enabled us to elicit the information. It appeared to be as if there was a conspiracy on the part of one side of the community to keep up prices, and on the other hand a conspiracy on the part of the other side of the community to keep up wages. In considering this question the Government, granted that there will be accommodation on the part of both parties to these disputes, will endeavour to do its part in providing the necessary money to absorb a very considerable portion of



the unemployed. The last few years have been years in which most people who would be inclined to invest capital in industry or commercial purposes have tied it up.

A certain oiling of the machinery must be effected, and the Government is prepared to effect that as far as they are concerned. They anticipate at the same time that there will be a development on the part of business. That development will only come when there is greater stability in business than there is at the moment. In any case, with the necessary reconstruction that will have to be effected owing to the damage of the last two or three years, there will be unquestionably very much greater employment in the very early Spring of next year, and it is in the intervening period that our proposal will be unfolded. If we find that there is a real effort on the part of both parties to this dispute to come together again, and every effort on the part of the Government will be made to bring that about, if they come together in a spirit of good-will in a real attempt at co-operation and an evident desire to settle those things once and for all, or at least to formulate industrial machinery to enable disputes to be settled in an amicable spirit, to consider the real needs of the country, we are prepared to afford every facility for those meetings and as far as the resources of the country will permit to place money at the disposal of both parties, because it is natural to assume that both parties will benefit from those monies and it will be reasonable to assume that the schemes we put up will be economic ones.

As regards the question of barley raised by Deputy Davin, it is bound up in this. Unless the cost of living is reduced considerably it is fairly obvious that those who are growing barley will not continue to do so. There will be a lessening of employment, and that will not be in the public good.

I do not know *Sancti 20* much more I could add to what I have said on this subject. I think it will be admitted at any rate that we have endeavoured to point out to the two sections, employers and employees, that it is not by asserting loudly the claims of one or the demands of the other that

the country will progress, but that the real need of the moment is to add as much as we possibly can, each in our own way, to the wealth and stability of this country, and that we can only do that by giving an honest day's work, whether we are employer or employed. If we build on such a foundation as that there is hope for the future, and the best thing to do at this moment is to enter into the settling of those disputes with a spirit desirous to succeed. If we do that I think we will have done our part, even if we do not succeed in settling the disputes.

**Mr. JOHNSON:** I am glad the President has raised this question, although it has taken me quite unexpectedly. I thought from what was said the other day that we might have had a statement perhaps next week, and I had hopes that, perhaps, in the meantime it might have been my good fortune to have met him to discuss the very question which he has put before the Dáil. Just before the dissolution we had a discussion on a motion to which an amendment was accepted. That motion called for a conference of people interested on both sides of the economic dispute with a view to finding the best means of providing regularity and permanence of employment, which regularity and permanence of employment had been stated in the previous part of the resolution as something which should be provided for. I have looked somewhat carefully at the public Press in the hope that there would have been some sign from the Employers' Organisation of their acceptance of the position set out in that motion which was carried by the Dáil, and that following upon such announcement as I had hoped to see that we would have a statement from the Ministry that a conference was to be called into being. Notwithstanding the failure of Employers' Organisations to signify their adherence to the proposition in that motion, I am still hopeful that they may be brought to the frame of mind which will show that they recognise the human needs of the men and women who do the work of the country.

The position outlined by the Minister

[Mr. Johnson.]

is very, very serious and very, very important. I have indicated more than once my fear that the future of the country, industrially and socially, is likely to be very bad, and that we shall go through a great deal of suffering unless some new attitude is adopted towards these questions. Both sides, I will admit, in the absence of a new spirit, have taken a line that there is only a "pull-devil, pull-baker" method of arriving at stability in regard to wages and prices, that economic relations must be for ever based upon the attempt of the seller to get the highest and the attempt of the buyer to pay the lowest, and that in the region of wages a workman who is selling his labour is driven, by the philosophy, by the economics that are taught and acted upon, to demand the highest and to take every opportunity to secure the highest, and the employer, on the other hand, is driven to take every advantage that he can to obtain the greatest amount of labour for the lowest amount of pay. If in the future that is to be the basis upon which the social and economic life of the country is to be built, to continue, there is no hope whatever for the prosperity of this country. You will have social unrest, you will have economic strife, you will have poverty, because we are in competition with countries that are infinitely better able to produce cheaply than we are. I said many a time that the struggle that has gone on during the last few years has been participated in by the masses of the people, because, consciously or unconsciously, they felt that national freedom would lay the foundation and make it possible to achieve a better livelihood for the people. I am driven to this conclusion that there is needed no mere patching up of disputes with the expectation that they will break out again as soon as another opportunity serves either side, but a psychological change in the minds of both parties, and something in the way of a crusade for the common good.

More than two years ago—before the Treaty—the Labour Party issued a statement. I have been re-reading it, and I pin my faith to the general un-

derlying spirit of that to-day. It is just as applicable to-day as it was then; that there is needed the generation of the spirit which is evoked in other countries by the cry: "The country is in danger," and that, if we can evoke that spirit and develop amongst workers and employers, amongst all classes who do service for the community, the idea that it is by their service that the community is going to be saved, then I think something can be done to save the community, to save the country, and to improve and better the lives of the poor. I had hoped that if there had been a conference of the kind that was suggested we might have been able to put forward a proposition such as this, that employers in industry, as well as workers, should approach each other with the thought and on the understanding that they are joint workers, and that it is as workers in the industry that they are seeking recognition and payment. I believe sincerely that such a proposition, if it could be accepted by the employers of the country, would draw forth from the workmen a response which has not hitherto been experienced.

Unfortunately it is not always "I, the employer as co-worker with you," but "I, the employer as your master; I, the employer and owner, seeking profit out of your labour." As co-workers we can find a basis of agreement. I believe that if the conception of the nation, as the body which has entrusted the management of industries to certain people who are employers in industries, is accepted, then again we shall have the basis of agreement, but I cannot see any hope of agreement or co-operation between the various sections of the community if we are to continue in the thought that it is as master and servant, as employer and owner, and worker and buyer and seller. On these lines peace will not come, but on the lines of common service, and united effort for the national good I believe peace can come. One could go into many details and make suggestions and proposals. I think it is, perhaps, unwise to develop the argument which I might and was prepared to develop on another occasion, and that it is better to leave any such discussion.

perhaps, to a conference which may be called into being. Workmen are not unreasonable when they have been approached fairly. There has not been any attempt to alter the relationship, and in my opinion that is the key to future health for this nation. I am not asking the Dáil, I am not asking any section, to subscribe to any theory of society except this, that we want to see society based on labour and service for the common weal. The President has referred to housing. No one knows, and no one appreciates the importance of an effort in regard to housing more than he does. The sufferers from bad housing not only in the cities, but in some of the smallest towns in the country, and in the rural districts as well, are the working people, and I have faith in the goodwill, to say nothing better, of the masses of the people, and those engaged in the trades which are concerned with building, than that they are quite prepared to do all that is necessary to build houses well and cheaply, provided that there is a general conception of common service for the common good. They are just as well prepared as any other section of the community, and probably have shown greater readiness to do that than many other sections of the community. I am prepared to stand by everything that was said and written in the programme of the First Dáil, when they affirmed that the duty of every man and woman was to give allegiance and service to the commonwealth, and when they declared it to be the duty of the nation to ensure that every citizen shall have opportunity to spend his or her health, strength and faculties in the service of the people. In return for willing service it declared the right of every citizen to an adequate share of the produce of the nation's labour. With that proposition, if it is generally accepted, I believe it is possible to enthuse the workers of this country in such a manner as will ensure the rebuilding materially, socially and spiritually of a nation to be proud of.

**Major BRYAN COOPER:** I did not intend to intervene in this particular matter at all, but there was one statement that fell from the lips of the

leader of the Labour Party that I do not think should pass unchallenged. I do not think he intended making it as sweeping as he did, but the fact that the Labour Leader comes mostly in contact with the bad sort of employer may have prejudiced him somewhat like the Magistrate on the Bench who is always coming in contact with the bad type of offender. He said: "It is never a case of 'I am the fellow-worker'; it is always the case of 'I am the master,' where the employer is concerned." I do not think that can be substantiated in fact. I know many employers, if I may speak for myself, whose relations with their workmen are as friendly as possible, and who, when the workman wants to take a pig to the fair, lend him their horse and cart and always act in that friendly spirit.

I think we all know that there is one firm in the City of Dublin, Guinness, who always act with the greatest generosity to their employees and treat their men as human beings and friends and with every kindness. Now the greatest industry in this country is agriculture. I know that there are thousands of those farmers who take off their coats and work side by side with their labouring men, as hard and harder, and share their glass together when the day's work is over. That, I believe, is the spirit that actuates far more employers in Ireland than those of whom Deputy Johnson speaks. That is the spirit that the President wishes to infuse into the whole of our national life, and I agree with him when he says that if we go on in that spirit, not as employer and employee, not as master and slave, but as fellow Irishmen, working together for the good of our country, then we may be in sight of the end of our trouble.

**Mr. THOMAS O'MAHONY:** There were two points in the speech of the President that must appeal to all the Deputies present. The first was that he promised that as far as the resources of the Government would permit it, if he were encouraged by a friendly attitude on the part of employers and employees, he would pledge the resources of the Government in favour of a big scheme of national hous-

[Mr. O'Mahony.] ing. We all admit that there is no greater or more crying evil in the country than the condition of the houses of the working classes. I agree that the two factors who must be consulted, in respect to improving those conditions, are the building employers and the building workers, and that unless we have kindly co-operation from these two no scheme of national housing is possible. The cost of building in this country is prohibitive. It has been suggested that that cost is largely due to the extravagant profits of the employers. The answer to that is that where the workers themselves have built houses the cost has been as great as in the case where private employers were engaged in the construction. In considering that case, one has to bear in mind the relative cost of corresponding houses in England, and the difference in wages paid to the English worker and the Irish worker does not account for the difference of the cost of the houses; the difference in the cost of material in both countries does not bridge it. One must, therefore, unwillingly though we have to admit it, come to the conclusion that it is due to the fact that as compared with the output of the English worker the output of the Irish worker is substantially lower. The experience of the Government in association with the present housing scheme is that houses in Ireland have cost something like £750 each. In England corresponding houses have been erected for half or less than half that money. The houses in England fetch a far higher rent than the corresponding houses in Ireland. Therefore, this country, with its much more limited resources, is called upon to bear a double dose of original sin. We lose largely in the cost of construction, and we get, when our costly house is erected, a much lower rent than they get in England.

The next important item touched upon by the President was that the Government was prepared to do all they could to absorb unemployment in the country. In that programme he shall have behind him every man in the country who has the interests of the country at heart, but if we are to

provide for absorbing the unemployed we must get a better return than we have hitherto been getting from the worker. The dole must not be administered in another form, and that is paying a man a full day's wage for an insufficient day's work. If the spirit that Deputy Johnson referred to is exhibited by both employers and employees—friendly co-operation—and if labour recognises that whilst it has its rights it also has its obligations to the community, then you can rest assured we are going to embark on a newer and a happier era. But what has been the attitude of labour in this matter? Take the case of wages. In every country in Europe wages during the last few years have been gradually coming down to the pre-war level, to the level that the present-day conditions in those countries warrant. Is that the case in Ireland? Take the case of the city of Cork.

**Mr. JOHNSON:** Does the Deputy desire that wages should come down to the pre-war level?

**Mr. O'MAHONY:** Not to the pre-war level; gradually coming down. I said, to the conditions that are now prevailing in those countries—to the existing conditions. A few days ago Deputy Johnson suggested in the Dáil that high wages were apparently the solution of all our difficulties, and that the bigger the wages we paid in this country, the more definite progress this country was going to make. It was an extraordinary doctrine to come from any Deputy. Wages have come down substantially in England during the last two years, and why? The Englishman recognises that that which he produces has to be put on the markets of the world in competition with corresponding articles produced in other countries of the world, and if he is unable to put that on the market at a price that will compel trade in favour of the Englishman, then his trade is gone. English trade is dependent upon the economic law that governs all countries, that an article will be sold on its merits as regards quality and price. If the Englishman cannot produce an article of right quality and at the right price then his neighbour ousts him.

The factor that compelled a reduction of wages in England was that as Continental wages came down, the Englishman was no longer able to market his goods at a price that would command a sale in the markets of the world. He had to adapt himself to circumstances. How did the Englishman adapt himself to circumstances? The workers in England, in co-operation with their leaders, came into conference with the employers in England, and as a result of the joint conference all agreed that the time had come, and that the economic position forced it on them, for a reduction of wages, or else they would have no wages or work at all. Is that the attitude adopted in Ireland? The bulk of the Irish workers are simply sheep in the fold to be called to their own destruction by the leaders of the Labour organisation in Ireland. The man does not count. The man, I regret to say, has lost his manhood. He is controlled by the machine.

**Mr. DAVIN:** On every side.

**Mr. O'MAHONY:** Where is the machine on the other side?

**Mr. DAVIN:** On your side.

**Mr. O'MAHONY:** He is controlled by the machine. Truth, I know, is always disagreeable.

**Mr. DAVIN:** It is, for yourselves.

**Mr. O'MAHONY:** It hurts some people. The man is controlled by the machine. I will give you an instance that occurred quite recently in Cork. A firm there wanted to get their business premises fitted up, and they put it up for tender, and the tender of the Cork employers was 35 per cent. higher than that of an English firm. The merchant expressed his willingness to give 10 per cent. more than the English price and get the work done at home. The Irish employers could not do it owing to the cost of wages. Here is an example of practical co-operation:—An offer was made on the part of the employers to hand over their plant, workshops and machinery to the workers of Cork who would be engaged at the work, and they told them they could do it at the 10 per cent. increase

over the English price. The Cork worker confessed that he could not earn the wages he was getting on those conditions, and so the work had to go to England.

**Mr. GOREY:** God help Cork, and the rest of us.

**Mr. HALL:** Were the employers inclined to give them the loan of their banking account, too?

**AN CEANN COMHAIRLE:** Deputies cannot carry on conversations across the Chamber.

**Mr. O'MAHONY:** The employers, as I say, were prepared to give them the plant, workshops and all the facilities they use in the production of their own work for nothing, but the workers could not, even under those favourable conditions, do the work. Now, there is no good in accentuating difficulties between employers and employees. I wish that we could go on to deal with the question of employer and employee in the spirit suggested at the end of Deputy Johnson's speech, that as we have a community of interests we should in a friendly spirit whenever any differences arise between us, discuss those differences between the two factors that are necessary for trade and production in this country.

I should like to see a Committee set up on the lines that he suggests, in which, before anybody, whether he be employer or employee or Labour leader, attempted to commit a particular trade or industry with which they are associated to chaos, it would be compulsory both on employers and employees to go into consultation and have the merits or demerits of the case discussed. With a competent Committee and conditions such as these, I am perfectly satisfied that much of the evils that the country suffers from, largely as the result of labour disruption, would be obviated.

**Mr. DAVIN:** I had hoped the President, in the reply he promised earlier in the evening, would deal in a thorough way with the question I put to him on private notice. I am sorry he missed the main point of the question and went on to deal more or less with the position of the employer and

[Mr. Davin.]

the employed instead of giving this Dáil and the country his own candid views about the profiteering section known as the middleman. Now, I happen, in company with other Deputies, to represent a barley-growing constituency, and for that reason, and knowing the conditions prevailing in that particular area, at the moment, I put down this question on private notice. According to the figures which were published by the Department, the number of acres of barley sown in 1921 was 175,460; in 1922, 170,265, and from the information which I have at my disposal, but which I cannot prove by Government records, I understand that the acreage in 1922 has been reduced by about one-half, due, no doubt, to the bad prices which prevailed.

Now, anybody who knows anything about the condition of living of the small farmer—and it is the small farmer who sows and grows barley—knows that every one of them, owing to the condition of the times and the bad prices of the last couple of years, are on the books of the local shopkeepers or are paying interest to some bank or other.

The President, in answer to a previous question put down by me about three months ago, said the Government were unable to deal with this situation until they had the report of the Commission on Agriculture, and the report of the Fiscal Commission which has been sitting for some time past. I have very little hope, and I say that from the experience of the last Dáil, that the report of any Commission set up by the Government will be put into operation. Commission after Commission has been set up by the Third Dáil in the same way as by the British Government to pacify people who created agitation, and when the reports of these Commissions were submitted to the Government, in every case they were turned down, and it is for that reason I have no hope whatever that any Commission which the President relies upon is going to be a guidance to the Government in regard to a decision on a policy of this kind.

The President, I am certain, is in possession of and should have read and considered the Report of the Food

Prices Commission. The report of that Commission was forwarded to the Government on the 26th July, and we have had no indication to-day or previous to to-day as to what the mind of the Government was or what they intended to do as a result of the recommendations of that particular Commission. It is strange that that Commission was only availed of by people who suffered as a result of the profiteering going on and which has been going on for the past three or four years. I have no hesitation in saying that there is no country in the world to-day in which there is such an unscrupulous gang of profiteers as there is in Ireland. I think the Government should take notice of that fact and make up their minds as to how to deal with that particular section. In the report of the Commission it is stated that the cost to the brewer of the barley used in the manufacture of one barrel of stout is 7/3 in 1914; and 8/- in 1922, while the cost for the barrel of stout to the licensed vintner was £1 12s. 4½d. in 1914, and in 1922 £3 6s. 10½d., less the proportion of Government duty, showing there was an increase only of 10 per cent. to the person who grows barley, while the brewer or the distiller had an increase of 109 per cent. Now, it would be interesting to know what the mind of the Government is and what they intend to do as a result of evidence of that kind submitted to them in the report sent to them on the 26th July.

We have all read in the papers that Messrs. Guinness & Co. have only recently applied and got sanction to increase their capital from five millions to seven and a-half millions, and that two and a-half millions is to be distributed to the shareholders as a free gift, notwithstanding the fact that three bonuses were already paid in the same year to employees, both salaried and otherwise. That shows the amount of profit made by Guinness & Co., and it shows you how that firm is treating the worker that Deputy Cooper referred to, and I agree with Deputy Cooper that the working farmer in this country who takes off his coat and works on the farm beside his worker is entitled to the same consideration and respect as the worker who works

alongside of him. I, like Deputy Cooper, acknowledge the fact that Guinness & Co. have not treated the working farmer who sows and produces the barley in the same way as they have treated their employees. It may seem strange that I should raise this question. I raise it because I realise that unless the Government make some attempt to deal with the precarious position of barley growers one of the main industries will go out of existence. It is well known to Deputies who represent rural constituencies, especially where there is a considerable amount of barley grown, that as a result of the low prices last year a lot of land is being let out, and eventually, if things go on as they are, people who grow barley and depend upon it for a livelihood will find themselves in the bankruptcy court. The President, referring in a slight way to this question, read out the figures of the imported barley, which were correct, but he did not read out, and he said he had not got, the figures with regard to imported malt. The average importation of malt for the five years, 1909 to 1915, was 38,434 tons per year. In 1920 it was 21,290 tons; in 1921 it was 37,110 tons; in 1922 it was 38,352 tons, showing, as the figures do, that while there has been admittedly a decrease in the importation in foreign barley, due, no doubt, to the continental conditions prevailing, still there has been an increase in the importation of malt. I have been informed, and I am quite sure it is correct, that the people of this country who are foolish enough or otherwise to drink Guinness's stout, are drinking stout brewed from imported barley while the exported stout sold in England is brewed out of Irish grain bought at a very cheap price.

While the licensed vintners here are charging 8d. per bottle to the Irish population for Irish stout, brewed out of imported grain, the people of Liverpool and Manchester get Irish stout brewed out of Irish grain at 6d. and, in some cases, at 5½d. per bottle. These are things that require to be looked into, and looked into at once, by the Government. One cannot have failed to notice the reduction in the prices of pigs and cattle owing to the

recent industrial trouble. But although there has been a reduction in the price, due to industrial and, perhaps, other causes, there has been no reduction whatever in the price charged by the retailer to the consumer. If a strike is threatened, you find that the shopkeeper or middleman, without any reason whatsoever, except that he anticipates a strike, which may not take place, at once raises the price of every commodity to the consumer. If that thing is going to continue, there will have to be some law to regulate the price. Profiteering, against which there is no protection, is one of the principal causes of the industrial troubles in this country. If the representatives of the big business interests in this country, either in the Dáil or outside it, will lend some assistance in reducing the prices of commodities, as they are endeavouring to reduce wages, then they will be doing something to end the industrial unrest, which is prevalent.

The President referred to the Railway rates and transport charges and to the fact that there had been no reduction in railway, canal or other transport charges. By agreement between all the parties concerned, the Railwaymen of this country, numbering 30,000 in round figures, have suffered a reduction of wages of from £1 to £1 5s. each. Notwithstanding that, there has been no reduction in the Railway rates in operation since they reached the peak point in 1921. These are things that require to be answered by somebody, either here or outside. They require justification, and if they cannot be justified then they call for the serious consideration of the Government. I trust the President in his reply—if he replies—will say whether or not the Government have made any representations to Guinness & Co. and the other Irish brewers with regard to the price of barley in the coming season, and if so, with what result? If Guinness & Co., who monopolise and control the market, are not prepared to give a reasonable price to those who grow the barley in this country, then I trust he will indicate the measures the Government intend to take so as to remedy such a state of affairs.

**MINISTER for AGRICULTURE (Mr. P. Hogan):** I could probably make as long a speech about barley as Deputy Davin, and say just as little, if I tried. I have listened to three or four speeches from him on that subject, in which, if one is to judge from his protestations, he is intensely interested. But he has never yet made a single suggestion. How would he deal with this question? He complains that the Government has done nothing. He complains that they will not carry out the findings of the Commissions. He suggests that they have not at their disposal the really valuable advice which they should have on this question. He has been talking about this matter for the last three months, but he has not told us what he would have done.

**Mr. DAVIN:** Tell us what you have done.

**AN CEANN COMHAIRLE:** Order!

**Mr. HOGAN:** He has never come to the point. Barley is like every other subject: there is no use in talking round it. Is he in favour of an embargo? I would like to hear Deputy Davin on that next time he speaks—because I am perfectly certain he will make another speech on barley. Is he in favour of an import duty? Is he in favour of guaranteed prices? These are three questions that have got to be answered before you make up your mind as to what you are going to do. He has not even distantly referred to them. I will pay him the compliment of saying that he has kept me in complete ignorance of his real mind on these very important questions. But they are questions which have got to be answered.

**Mr. DAVIN:** On a point of explanation, so far as I am personally concerned, I will be quite candid. If the Minister responsible, or the Government, is not in a position to force the hands of Messrs. Guinness & Co., I am prepared to vote for an embargo on imported grain.

**Mr. HOGAN:** I think I need not say any more, A Chinn Chomhairle. The Dáil should pass a vote of thanks to me.

**AN LEAS-CHEANN COMHAIRLE** took the Chair at this stage.

**Mr. GOREY:** The reason we, on these benches, have not intervened in this debate is because we do not think the question can be dealt with by notice of this kind. We, of the Farmers' Union, have the barley question, together with other questions, under consideration at the moment. We are trying to work out a means whereby tariff rates could be applied to some of the stuff that comes into the country—barley, food-stuffs and other things. We have not come to a definite conclusion, but our people are in conference. When we have finally decided what ought to be included and what ought not be included, we will put our conclusions in proper form before the Dáil. We did not desire to intervene in this debate because we were of opinion that the matter could not be properly dealt with in this manner.

With regard to the other question raised in the debate, I am very glad to hear that there are Deputies on the other benches to relieve some of us in trying to knock sense into those on the Labour benches. Deputy O'Mahony has given us a very instructive speech, but the same speech practically was delivered here time and again in the last Dáil. Deputy O'Mahony's figures are figures I have used time and again. They have never been contradicted and could not be contradicted. Unless Deputy Johnson and the persons whom he speaks for are prepared to give a return for the wages paid there is no use talking on this question or using the flowery phrases which Deputy Johnson used. It is simply baby language. It would be good enough for the nursery. It would not do at all in a community of full grown men and women. Unless labour is prepared to give work for wages—

**Mr. JOHNSON:** Is 25/- a week a wage that you stand over?

**Mr. GOREY:** In Dublin?

**Mr. JOHNSON:** In County Waterford.

**Mr. GOREY:** Certainly; a good wage, a great wage. I have often lived on less and I did not do any robbing to supplement it, or use the burner's torch.



**AN LEAS-CHEANN COMHAIRLE:**

The Deputy must realise that he has to address the chair, not the members on the opposite benches.

**Mr. GOREY:** Is there any machinery you could invent to keep the gentlemen on the opposite benches from continuously interrupting? As a previous Deputy said the truth is very bitter and very disagreeable. I would like the Deputies to get some medicine that will keep them quiet. If the Labour leaders are in earnest in what they say they ought to try and convince their own people first. The strike in Cork was a live question at the recent election. There were more people on strike in Cork than would have returned two Deputies. Did they do it? Did one of the Labour candidates get a quota? The answer was given to the Labour leaders at the election. The answer was given in Dublin and in every other constituency.

**Mr. DAVIN:** You cannot boast yourself.

**Mr. GOREY:** There were sufficient men idle about the docks in Dublin to elect 3 or 4 Deputies, if you take into account the votes of their families. What was the result? They did not even elect one Labour Deputy. Labour is sick of its leaders and sick of strikes. If the rank and file got a chance to speak out, if they were not bullied and dragooned by some of the leaders and their assistants things would be different from what they are. There is no use in carrying on this farce, there is no use in carrying on this debate. If Labour is not prepared to give a return in output for the wages received, Labour representatives have no use coming here and trying to fool the Dáil and the public. They have no use trying to fool the small farmers of this country, and they have very little use trying to fool the agricultural worker.

**AN LEAS-CHEANN COMHAIRLE:**

It would be better if the Deputy did not make those bitter attacks on Labour. The reference to fooling the Dáil and the public was aggravating, and it would be better if the Deputy spoke in more measured language.

**Mr. GOREY:** It was really by way of advice that I was making my remarks, not with any bitterness or acrimony. I do not see any use in continuing this debate, as it impresses nobody. We are tired listening to the diatribes of Deputy Johnson. They cut no ice. Nobody believes in them. He does not believe in them himself.

**Mr. T. NAGLE:** I was very much amused at the tribute which Deputy Gorey paid to Deputy O'Mahony. He stated that Deputy O'Mahony had put forward figures which have never been controverted and could not be controverted. I beg to differ with some of the statements which Deputy O'Mahony made. He talked about the workers in England having accepted reductions in wages, and about the difference in the wages paid in the building trades in England and in this country. In talking about the workers in England having sense enough to accept reductions, he said they knew quite well that it was necessary to accept reductions in order to be able to compete with continental countries. He omitted, however, to tell us how it was necessary for English building trades workers to accept reductions in wages in order to compete with foreign building trades workers. I have yet to learn that houses built in Germany, or in the United States, or China, have ever been carted into England and sold there. I have also yet to learn how houses built in England, on the low rates of wages paid there, can have any effect in determining the prices of houses in Ireland, built by workers who are getting a little more wages than in England.

**Mr. O'MAHONY:** On a point of order, my remarks referred not to houses in England, but to trade in England—an entirely different matter.

**Mr. NAGLE:** I may be wrong, but I thought there was a comparison made between the wages paid to workers in the building trades in England and the wages paid in the building trades in Ireland; and the prices at which houses could be built in England and the prices at which they could be built in Ireland. I naturally drew the inference from the statement that the workers generally in England decided

[Mr. Nagle.]

to accept reductions because they saw it was necessary to compete with foreign industry, that the building industry was lumped with the other industries to which he referred. He also made a statement to the effect that the Cork employers wanted some reconstruction work done and that English firms agreed to do this work at a price 35 per cent. below that of Cork firms.

I understand that Deputy O'Mahony is a building contractor, so he ought to know better than any other Deputy, that if an English firm could do a job in Cork for a smaller price than a Cork building contractor, that that was not due to the difference in the rate of wages paid in England and in Cork. Any building tradesmen coming from England to Cork would be compelled to get from the employers the rate of wages that prevail in Cork. For a good many years, at least as far back as I can remember, there has always been an agreement in the building trade whereby if men were sent by a contractor, say, from Dublin to Cork, and if the Cork rate of wages was higher than the Dublin rate, the men get the Cork rate. The same would apply to men coming from England. Apart from that, it should be obvious to everyone that the Cork tradesmen, certainly if men were brought from England or anywhere else, would not allow them do the work while men in Cork were idle. He also tried to prove that the fact that building was not going on now was due to the higher rate of wages. As Deputy O'Mahony has been in the building trade he will know something about the conditions that applied in pre-war days. I ask him, is it only during the last four or five years, since the workers' wages have got to something like a decent level, that there has been a scarcity of houses? There has been a scarcity of houses for the last forty, fifty, or one hundred years. Prior to 1914 the rate of wages paid to labourers in the South of Ireland was about 13/- or 14/-, and the rate of wages paid to the tradesmen was about 30/- per week. In spite of that houses were scarce and were not built. We heard a good many reasons why certain things were not

done. When the employers in the building trade want a reduction in wages they usually tell us that if wages do not come down houses will not be built. Other employers on other occasions when they want to prove a different thing say that the reason for the slump in building in pre-war days was the Finance Act of 1909. Very many speculative builders in Dublin told us recently at the Rent Restrictions Commission that the Finance Act of 1909 was the reason why no building has been done from 1909 onwards. That was before the European war was thought of. Most of the building contractors I have met during the last three or four years admitted candidly that the wages paid in pre-war days were scandalous. They also admitted that if the cost of living went down to the figure it was in 1914 they would never consider the advisability of bringing the workers' wages down to the level that then existed. They admitted that an increase of 50 or 70 per cent. over the 1914 level would only be a decent wage for the working man. In spite of that state of affairs sufficient houses were not built then to meet the needs of the people. All the blame cannot be thrown on the workers who for the past three years got something like three decent meals a day, and occasionally visited a picture house or a theatre. Deputy Gorey stated that the labour leaders prevented the decent—of course they always add the word decent—workers from accepting a reduction in wages. The worker who accepts a reduction in wages is, of course, a decent worker, while the fellow who does not, is not.

**Mrs. COLLINS-O'DRISCOLL:** On a point of order, are we discussing the meaning of certain words, or the building trade? What is before the Dáil?

**AN LEAS-CHEANN COMHATA**  
The President's statement.

**Mrs. COLLINS-O'DRISCOLL:** I cannot see how any of this is relevant.

**Mr. NAGLE:** I would like to point out that a Labour Leader is no more responsible for a working man refusing to accept a reduction in wages than the Secretary of an Employers' Federation is responsible for compelling that Federation to look for a reduction

in wages. If the Deputy thinks that the Labour or Trade Union official is responsible he must be arguing from facts that exist in his own organisation. It must be that the official of the Employers' Federation is top dog and that he wields the whip and compels the members of the organisation to do what he thinks is right. As a matter of fact, a Trades Union official is just as much an employee as the Secretary of any local or national Employers' Federation. He only does what he is told. I would like Deputies when talking on these subjects in future to try to keep nearer to the truth of the matter and not talk merely for the sake of getting home a point. I thought after what the President and Deputy Johnson said that we were striving to bring about a better spirit, a spirit of co-operation between the various groups in this country. We all recognise that something on these lines must be done during the next couple of years if the country is to be saved from complete disaster. From the remarks of the President and Deputy Johnson, I thought we were getting near that. I was surprised to find some of the other Deputies trying to come out against one particular class in the country and trying to undo the very thing that the President and Deputy Johnson had been striving to do, to make all classes realise that they should work together in order to drag the country out of the abyss in which it now finds itself.

**Mr. DALY:** I was delighted beyond measure this evening to hear the President lay down, or call upon  
7 o'clock. the people to lay down, the real foundation of patriotism by calling on all classes to unite for the common good of the country. The man who is getting high wages and the profiteer should cease fire. Whoever shall cease fire, I think the worker should be the last to do so, as the workers' children should not be called upon to suffer in order to have the common good of the country accomplished. In this matter, however, the President can set an example by reducing the prices of what the workers on the docks and in the fields call food, and we all know it is food to them.  
Vol. 5.

The President could control the price of porter, and while the price of porter, tea, sugar and other things that the Cabinet have authority over is as high as it is at present, you cannot expect the workers to cease looking for higher wages. I think it is the duty of the Cabinet, especially in dealing with profiteers, that those prices should again be controlled and that the working classes should be in a position to buy the goods and necessities of life, if they are called upon to reduce their wages, in accordance with the reduction of wages. All these things should be accomplished before the unfortunate poor man should be called upon to accept reduced wages. There is another matter which affects the whole country, and which the President and his Cabinet have control over. We know that in the Land Act the unfortunate poor farmers, especially the small farmers, are called upon to pay three years' arrears of rent. I ask the Cabinet to extend the payment of these arrears over a longer period than that which they are asked to pay in order that they can pay them at all. These poor people, in their own way, are as badly off as the workers, and if the President and his Cabinet will set the example in the way which I have indicated, it will be the duty of everybody concerned to put their heads together and put their shoulders to the wheel in order that the progress and the common good of the country may be accomplished.

**Mr. DALTON:** I am afraid that the President's statement this evening has given rise to what I may describe as a very elastic debate. It is rather a pity that the Dáil did not take up his statement in the spirit in which it was made. I was very pleased to hear many of the remarks and most of the points which Deputy Johnson made. They were a very happy augury of the future, because they followed largely on the lines that the President adopted in making his statement. His statement, as Deputy Davin and also Deputy Johnson have stated, came, to a certain extent, unawares on members of the Dáil, as it was presumably not to be made until after the speech of the Governor-General. Let us hope that the members of this Dáil will act in the

[Mr. Dalton.]

spirit of his request. At present it is not for the Government of this country to take sides either with the workers or with the employers. We require capital and we require workers. The workers are, to my mind, a more important part of the community than capital, because labour eventually can create by itself, whereas capital alone cannot create. At present I believe that the duty that lies before us is to enter into consideration of the present trouble on the lines which the President has put before us in his statement. If we follow on those lines and try and find means to enable capital and labour to get through the present difficulties there is a possibility of the country getting out of its difficulties. A way can be found provided that labour recognises what its duty is to the country as well as to its own class, and the same thing applies to merchants and employers. Let us hope that they will, for Ireland's sake, if not in the interests of their own party, try every way to arrive at a happy ending of these troubles and then to take the necessary steps to see that there will not be a recurrence of them in this country.

**The PRESIDENT:** The Ministry of Industry and Commerce reports that it has secured resumption of work on the Donegal Railway, and the conference will be held this week. From some of the statements made it is obvious to me that people were speaking with some knowledge of the subject, but not with a complete knowledge. I have been informed that the Land Commission can scarcely send out receipts quickly enough for the payments of arrears of rent, and the Deputy will find that a considerable amount of the arrears are written off in the Land Act and that a portion is extended over 68½ years. I do not know anyone who would be prepared to accept payment over a longer period.

Deputy Davin has not got at the root of the question of barley. I would like to know whether the Deputy has examined the returns of barley bought in 1918, 1920, 1921 and 1922, and compared each year with the year following. There is no use in saying that

the supply and demand have not any relation one to the other. They have. If in one year any firm, no matter in what it is engaged, buys 100,000 tons of any commodity and in the next year only requires 50,000 tons, and that 50,000 is what the market can absorb, obviously 50,000 will go west unless some other use can be devised for it. The Deputy has missed that point. He wants us to legislate against Guinness. Guinness could ask us why we could not legislate against labour, and so the vicious circle goes on. The Deputy laid stress on the fact that though we had many Commissions yet we adopted none of their reports. The Deputy must remember that when Commissions make sensible recommendations to this Dáil we have to take into consideration other Commissions, too. If they bear that in mind and submit sensible conclusions that the country will bear, then they will get consideration; but if extravagant recommendations are made by any Commission which is indifferent to the fact that there are other liabilities to be borne by the State, then you may expect that we will not adopt their report.

**Mr. JOHNSON:** What about your Terms of Reference?

**The PRESIDENT:** Terms of Reference ought to be read in the light of the fact that there are 3,000,000 people in this country, and consideration should be given to other subjects rather than the one under review. Take the question of housing. There has not been any report on that, and I think that most Deputies and persons will admit that it is a very important subject. This is largely due to the fact that anybody could not stand for recommending to the Government such a huge sum in subsidies as would be required to provide houses. People lose sight of the main issue. On the one side it is thrown out that labour will not stand down and on the other side people will say that labour must stand down. It is not by reiterating such statements as those that we are to get to any method of solving our trouble. If the workers require houses they cannot expect other people to provide them for them. The best of them ad-

mit that. If they are to partake of any such luxury unless those luxuries are provided at a price at which they can buy them at they will be denied them. They are the people themselves who are providing the houses, and I believe it is possible to provide those luxuries at a fair economic price. The tendency has been, during some years past, to find fault one side with the other, and that has caused indifference to the country's needs. When one has gone through other countries and has seen what they can boast of, seen what they have done, seen what monuments generations past have left, then one can see here in this country how poverty-stricken we are. Now that we have got the opportunity we cannot lay the blame at another's door for putting a stop to our progress. Let us at least prove worthy of the sacrifices of the people who died in order that we might live.

#### **COMMITTEE TO RECOMMEND EXTERNAL MINISTERS.**

##### **AN LEAS-CHEANN COMHAIRLE:**

The following is the result of the election of members of the Committee:—Thomas Johnson, W. A. Redmond, R. Wilson, T. O'Mahony, P. Hughes, D. MacCarthy, W. Sears, R. H. Beamish, W. Davin, D. J. Gorey, P. S. Doyle, C. O Broin, P. Cosgrave, A. MacCabe and G. Nicholls.

**Mr. JOHNSON:** I take it that the figures will be published or issued to somebody?

##### **AN LEAS-CHEANN COMHAIRLE:**

Any Deputy who wishes can see the figures in the Clerk's office.

#### **ALLEGED INTERFERENCE WITH AUCTIONS IN COUNTY WICKLOW.**

**Mr. WILSON:** I very much regret, on an occasion like this, after the debate that we have had, that it falls to me to bring forward what I would consider to be one of these incidents in our lives which are ruining our credit and which, unless remedied very soon, will create a state of lawlessness which we very much wish to prevent. A Deputy of this Dáil, with about forty men and two red flags, entered on premises yesterday where a public auc-

tion was advertised, and there said that he would not permit any auction to take place, and that he accepted responsibility for his action when he was questioned by the sergeant of the police. Now, there is very little use in any Deputy taking an oath here that he will abide by the laws of the country if he immediately goes out and breaks these laws, and I put this to him, or to anyone else who would be inclined to act similarly, that a person in a responsible position, such as a Deputy of this Dáil, should be very careful in his actions, especially in regard to an action which in the past has been upheld, but which, in the future, if we are ever to get away from lawlessness, must be stopped. The question that arises in this case is a question of the rights of property. It affects the farmer and the landholder in connection with the very property which he holds, and if these men are allowed to carry on their campaign it would prevent him from handling his property in the way he desires.

The particular estate in question was being carried on by a steward, and, presumably, on account of the fall in the price of produce, it was not a paying concern. The owner, who resides in England, sent instructions to have the various employees disbanded or given notice to, to sell the implements and to let the place on the eleven months' system. That is the position. Now, I am not advocating the eleven months' system, but in certain cases where you cannot make your land pay the fullest opportunities of the law should be provided by which any man can act as he likes in his own best interests to make a living.

The second case was that of a poor widow with a few children. She was unable to make her land a paying proposition, and also endeavoured to let it. It was also refused. I contend that such actions as these are striking at the whole credit of the country, and we, on the Farmers' Benches, who uphold the right of the law, who are prepared to stand by our obligations as regards our rates, taxes and annuities—and the President has just paid a tribute to the way in which we are discharging these liabilities—ought to be

[Mr. Wilson.]—afforded every opportunity to carry on our business how we like, and that these unauthorised attempts by Deputies who ought to know better, at nationalising our property ought to be stopped. I ask the Government to give an expression of their opinion and of the attitude they will adopt on similar occasions, and I hope it will be reasonable.

**Mr. O'HIGGINS:** At the moment I have received a report from the Civic Guard on only one of these two cases, and the position is this, that it may be that either or both of these cases will form the subject of a criminal prosecution. In that set of circumstances I have no wish to speak at length on the matter. One of the last Acts of the last Dáil was a Land Act, and we cannot allow a position to spring up in the country where every man would pass his own Land Act, so to speak. We passed another Act in the last Dáil called the Public Safety (Emergency Powers) Act, 1923. It may be that the excitement of the elections, and other recreations since the dissolution, have caused Deputies to forget many of its provisions. I draw the attention of Deputies to Sub-sections (2) and (3) of Section 5 of that Act. "Every person convicted by a Court of summary jurisdiction of any of the offences mentioned in Part II. of the Schedule to this Act, shall be sentenced to suffer imprisonment with hard labour for the term of 12 months, and to pay a fine of fifty pounds, and, in default of payment of such fine within one month after conviction, to suffer imprisonment with hard labour for a further term of six months, to be added to and commenced on the expiration of the said term of twelve months."

Sub-section 3 reads:—

Every person found guilty on indictment of any of the offences mentioned in Part II. of the Schedule to this Act shall be sentenced either:

(a) To suffer penal servitude for a term not exceeding three years and to pay a fine of not more than one hundred pounds nor less than fifty pounds, and, in default of payment of such fine within one month after sentence, to suffer penal servitude for a

further term of one year to be added to and commence on the expiration of the said term of three years; or

(b) To suffer imprisonment with hard labour for a term of not more than two years nor less than one year and to pay a fine of not more than one hundred pounds nor less than fifty pounds, and, in default of payment of such fine within one month after sentence, to suffer imprisonment with hard labour for a further term of six months to be added to and commence on the expiration of the first-mentioned term of imprisonment."

Paragraph 9 of Part II. of the Schedule reads:—"Interfering with or preventing, without lawful authority, the lawful occupation, use or enjoyment of any land or premises."

**Mr. GOREY:** My hearing is not very good, but I understand that threats have been made across the floor here from Deputy to Deputy.

**AN CEANN COMHAIRLE** resumed the chair.

**Mr. GOREY:** This, I think, is one of the most unfortunate incidents that has occurred since the late Election. This is not only an attack on a man's property, an attack on a farmer's property or a business man's property, but an attack on the liberty of every subject of this State. It is an attack on his citizenship. This attack led by a Deputy of this House is an encouragement to attack himself in return. We have here one case of a poor widow with 80 acres of land prevented from trying to make the best use of that land for the support of herself and her orphans by a man who is in receipt of £360 a year from the ratepayers of this country. What argument would he put up if a band of fellows came along and asked him to divide his £360 amongst them?

**Mr. EVERETT:** What about the 900 acres?

**AN CEANN COMHAIRLE:** Order.

**Mr. GOREY:** I am not talking about 900 acres, but about this particular case; this is an attack on the liberty of the individual.

**Mr. EVERETT:** I do not care about your threats.

**Mr. GOREY:** They are not threats. If Deputies want threats and invite threats, if the law does not protect us and the people we represent, we will protect ourselves. Deputies can put that in their pipes and smoke it.

**Mr. EVERETT:** You are doing it in Waterford, where you are shooting labour men.

**Mr. GOREY:** We will do it everywhere else. I do not want to make a speech or raise bitterness, but this is the most cowardly class of organised ruffianism I think I have ever heard of in my life—this attack on a widow and her orphans.

**Mr. EVERETT:** A lie. There was no attack, sir.

**Mr. GOREY:** They came there and interfered with her liberty, and interfered with what every citizen is entitled to. It is the lowest class of organised ruffianism, and it is anything but a tribute to the men who took a part in it.

**Mr. EVERETT:** They will answer for their actions.

**Mr. JOHNSON:** I take it after the case has been tried and decided that

sentences will follow. The case has been tried and decided in the Dáil by one of the Deputies who have spoken and I take it the sentence will follow.

**Mr. WILSON:** On a point of order, I must say Deputy Johnson has not given a proper version of the speech on the question. It has not been tried and decided in the Deputies' minds. It may have been tried and decided in one man's mind, but it has not been tried and decided in every man's mind.

**Mr. EVERETT:** The leader tried it.

### EXECUTIVE NOMINATIONS APPROVED OF.

**The PRESIDENT:** I take it this particular debate has concluded. I forgot to mention earlier in the day that the nomination of six members of the Executive has been reported to his Excellency the Governor-General, who has approved of the nominations made by me and assented to by the Dáil. The nomination of the Minister for Education will be reported when he has complied with Article 17 of the Constitution.

The Dáil adjourned at 7.30 p.m. until 3 p.m. Wednesday, October 3rd.

### OIREACHTAS EIREANN.

For report of meeting of Dáil and Seanad (Oireachtas Eireann) on October 3, to receive Governor-General's Address, see end of Volume.

# DÁIL EIREANN

DÉ CEADAIOIN, 3ADH DEIRE  
FOGHIMHAIR, 1923.

(Wednesday, 3rd October, 1923.)

Do chuaidh an C'eann Comhairle i  
g-Ceannas ar 3 p.m.

## CEISTEANNA—QUESTIONS. ORAL ANSWERS.

### THE IRISH-BRITISH TREATY.

**Mr. DARRELL FIGGIS** asked the President whether it is the intention of the Executive Council to apply for the registration of the Irish-British Treaty at Geneva, in accordance with the requirements of the League of Nations.

**The PRESIDENT:** The subject of the question is one which must obviously receive consideration in its due course and proper time.

**Mr. DARRELL FIGGIS:** I would like to ask the President if that answer is to mean that it has not yet received proper consideration.

**The PRESIDENT:** The answer contains all that I have got to say on the subject, and is sufficiently illuminative if the Deputy will consider it.

### PENSIONS APPEAL TRIBUNAL (BRITISH PENSIONS).

**AILFRID O BROIN** asked the President whether he will ask for a return from the Pensions Appeal Tribunal (British Pensions), South Frederick Street, Dublin, showing the number of cases considered by them within the past 18 months, the number of appeals allowed, the number rejected, and the number of dependents and ex-service men who had their pensions reduced, and the cause for the reduction; further, whether he will secure the same information from the Ministry of Pensions, Dunlop House, Dublin.

**The PRESIDENT:** This tribunal is not under the control of the Government of Saorstát Eireann and I am consequently not in a position to ask for the returns referred to.

**Mr. A. BYRNE:** Arising out of the President's reply, I would like to ask whether the British Authorities have the right to reduce pensioners' allowances without any regard to the circumstances in these cases, or whether it is the intention of this Government to protect the citizens of the Free State from these undue cuts that are now taking place?

**The PRESIDENT:** The Government, as I have stated, has got no control whatever over this Committee.

**Captain REDMOND:** Will the President make representations to the proper authorities to secure, and to safeguard, the interests of these Irish citizens?

**The PRESIDENT:** That is another question, and I do not know that it is possible to do so.

**Captain REDMOND:** Is it not possible for this Government to make representations to the Colonial Secretary, or through whatever medium is the proper one, to see that this British Committee should look after the interests of Irish citizens?

**The PRESIDENT:** I do not think that this Dáil, if it were made aware that representations were made to us as to how we should conduct our business with regard to any persons placed in the same position in Great Britain, would be satisfied that such representations should be made to us. If that be our view in regard to that question, I do not see how we could interfere in a matter which concerns them.

**Captain REDMOND:** Surely the President will admit—

**AN CEANN COMHAIRLE:** Order. That is entering upon an argument.

### BURNING OF A HOUSE (COUNTY COURT DECREE).

**SEAN O LAIDHIN** asked the Minister for Finance whether he is aware



that Michael Kenny, Castlepollard, Westmeath, obtained a decree in the County Court, Mullingar, on June 12th, 1922, for £1,150 for the burning of his house on the 3rd May, 1922, and further, whether he is aware that the State Solicitor has offered Michael Kenny £400 in full payment, and whether he can state by whose authority such an offer was made, and further, to ask when the full amount granted by the Court shall be paid?

**MINISTER for FINANCE (Mr. Ernest Blythe):** The decree granted in this case by the County Court was reopened by me under Section 2 (1) of the Damage to Property Compensation Act, and an offer was made pursuant to Section 2 (3). This offer was refused, and the question of making an amended offer is at present under consideration.

### **HOUSING SCHEMES (PRIVATE BUILDERS).**

**AILFRID O BROIN** asked the Minister for Finance if he will state whether the Government have yet considered the advisability of assisting private builders in any effort they may take to build houses containing three, four and five rooms; whether he is aware that private builders are prepared to build five houses for the same grant as is given to Municipal authorities for the building of two houses.

**Mr. BLYTHE:** The question of reviving grants to private builders is at present under consideration.

### **COURTS OF JUSTICE STENOGRAPHERS.**

**Major BRYAN COOPER** asked the Minister for Home Affairs whether he can state how many official stenographers will be required to execute Section 63 of the Courts of Justice Bill, and what is the estimated total cost of this service, including salaries, bonus, allowances and travelling expenses.

**MINISTER for HOME AFFAIRS (Mr. Kevin O'Higgins):** Eight stenographers should suffice for the purpose of the Section in question, and the maximum cost of this service may pro-

visionally be estimated at £4,000. Every effort will, of course, be made to keep the cost to a minimum.

### **HOUSING ACCOMMODATION (NORTH WALL AREA).**

**AILFRID O BROIN** asked the Minister for Home Affairs whether he is aware that many landlords are at present seeking to take possession of cottages and rooms from their tenants without providing alternative accommodation; whether he will take steps to improve the Increase of Rent and Mortgage Interest (Restrictions) Act, 1923, by including a clause to safeguard the tenants' interests; if he is aware that many residents in the North Wall area are now being threatened with eviction notices from their landlords.

**Mr. O'HIGGINS:** I have no particular knowledge of the facts stated by Deputy O Broin, but I have no doubt that hardship occurs. Under the Act, however, possession is not to be given to the landlord unless the Court is satisfied that the hardship to him, in consequence of refusing him possession, would be greater than the hardship to the tenant in consequence of being forced to give up possession. This provision puts upon the Court the duty of deciding which is the lesser hardship and making an order accordingly. There does not seem to be any better way of deciding such points. It is not proposed to amend the Act, which represents the practically unanimous report of a Committee representative of all sections of the community.

### **SPORTING CARTRIDGE SUPPLIES.**

**Mr. PATRICK W. SHAW** asked the Minister for Home Affairs when he purposes arranging for supplies of sporting cartridges to recognised dealers in country towns, as the present arrangement of endeavouring to obtain through Dublin agents is practically impossible for persons residing in country districts, and as the matter is urgent, owing to the great destruction being done to the crops by vermin.

**Mr. O'HIGGINS:** In accordance with the Regulations made pursuant to Section 8 of the Public Safety (Emer-

[Mr. O'Higgins.]  
agency Powers) Act, 1923, dealers duly registered and authorised thereunder may now on application obtain licences to import direct a certain quantity of sporting ammunition.

### **TOWN TENANTS (PURCHASE FACILITIES).**

**SEAN O LAIDHIN** asked the Minister for Local Government whether it is his intention to introduce legislation on behalf of the town tenants, giving every tenant facilities for purchase similar to those given to the land tenants under the Land Bill?

**Mr. BLYTHE** (who replied) said: It is not the intention of the Government to introduce legislation of the nature referred to.

### **WESTMEATH OLD AGE PENSIONER (QUESTION OF AGE).**

**SEAN O LAIDHIN** asked the Minister for Local Government whether he is aware that James Fin, Ballinagore, Westmeath, was granted the old age pension in March, 1923, and whether it was withheld subsequently on the question of age, notwithstanding that two older men than himself have sworn affidavits that the applicant, James Fin, is over seventy; further, whether the Minister will have the matter investigated with a view to having the old age pension granted, as Fin has no means of livelihood.

**Mr. BLYTHE:** The claim of James Fin, Ballinagore, to the old age pension is at present before the Ministry on appeal on the ground of age, and has not yet been decided. A birth certificate has not been received nor any other reasonably conclusive evidence of age. When a previous appeal was under consideration the two declarations referred to in the question were submitted, but the deponents had not given adequate reasons for their belief that the claimant was the statutory age. The evidence was, therefore, held to be insufficient and the claim to a pension disallowed on the 30th April last.

A decision on the present application will be deferred for a short time to give the claimant an opportunity

of submitting further documentary evidence of age or affidavits containing definite statements and reasons therefor to show that applicant has reached seventy years.

**Mr. LYONS:** Is the Minister aware that many of these poor people are in a very destitute condition? This man is over seventy years of age, and can prove it by affidavit. There are many people in that position all over the country.

**Mr. BLYTHE:** I would like to be made aware of that by receiving the affidavits.

**Mr. LYONS:** The affidavit has been made in this case.

### **NATIONAL TEACHERS AND IRISH COURSES.**

**SEAN O LAIDHIN** asked the Minister for Education whether he can state when it is likely that National School teachers who attended Irish courses will be paid, as these courses finished on the 3rd August last, and to ask that payment be expedited.

**MINISTER for EDUCATION (Professor MacNeill):** Payment of salary as National School teacher has, where such payment is regular, been made to all teachers who attended the special course of instruction in Irish held in July and August last. Payment for services as Professor and of the grants in aid of lodging and travelling expenses has been made, except in a few cases under consideration, to National School teachers and others who acted as Professors during the course. The claims for the grant-in-aid of lodging expenses and travelling allowances made by the teachers who attended the course as students are at present being examined and passed for payment. The scrutiny of these claims, involving in each case a reference to the class roll, is onerous, but it is hoped to have the great majority of the payments under this head made before the end of November.

### **POST OFFICE SAVINGS CERTIFICATES.**

**Mr. DARRELL FIGGIS** asked the Postmaster-General if he can state how

many Post Office Savings Certificates have been bought in Ireland, and the total amount of money, both gross and net, that has been received by the State in this way.

**POSTMASTER-GENERAL (Mr. J. J. Walsh):** Up to the 27th September 11,105 Savings Certificates were sold, and the amount realised in respect of them was £218,206 18s. 0d. Of those, 109 Certificates representing £1,799 6s. 0d. have been repaid, thus leaving the net sales 10,996 Certificates, and the net receipts £216,407 12s. 0d.

The actual figures for the period, 28th September to 4th October, are not yet available, but it is estimated that the number and value of the Certificates sold during that period will have been 950 and £13,000, respectively.

**Mr. DARRELL FIGGIS:** Arising out of that answer I would like to ask if, in ascertaining these net figures, regard was had to the cost of collection, and if the Postmaster-General can state what percentage that cost of collection was estimated to be?

**Mr. WALSH:** The cost of collection is not included, nor can I say at the moment what it was. Notice will be required to get the further information asked for.

### BROADCASTING LICENCES.

**Mr. DARRELL FIGGIS** asked the Postmaster-General whether, in pursuance of the undertaking given by the President in the last Dáil, that no broadcasting licences or monopolies would be granted in or by the Free State until this Dáil had first been consulted, he will now lay his proposals in these matters before the Dáil for discussion and sanction.

**Mr. WALSH:** The negotiations in connection with the proposed establishment of a Wireless Broadcasting Station in the Free State are still in progress, and I am not yet in a position to lay the proposals in the matter before the Dáil. It is the intention to seek the sanction of the Dáil for any scheme which may be agreed upon.

### SANDYCOVE POSTAL DELIVERY.

**Major BRYAN COOPER** asked the Postmaster-General whether he is aware that in Sandycove, Co. Dublin, there is now only one delivery of letters daily, and whether there is any precedent for such a restricted service in a thickly populated district within six miles of the General Post Office?

**Mr. WALSH:** I have had enquiry made respecting the delivery of letters at Sandycove and I find that with a view to retrenchment the second delivery of letters at Dun Laoghaire has been confined to the central portion of the township for some months past. The restriction allows one delivery only to Sandycove and other portions of the outlying district, the amount of correspondence for which is not regarded as justifying the expenditure necessary for a second delivery. The question of restoring the second delivery is, however, receiving further consideration, and a final decision in the matter will be given as soon as possible.

**Major COOPER:** Arising out of the Minister's reply, might I ask if he is aware that until recently Sandycove had four deliveries daily, and that precisely similar districts on each side of it, Dun Laoghaire and Dalkey, have three, and will he take these facts into account when considering the matter?

**Mr. WALSH:** I am aware of all these facts and they are being taken into consideration.

### SUNDAY POSTAL SERVICE (ABOLITION OF).

**Mr. WILLIAM HEWAT** asked the Postmaster-General whether he can take any steps to minimise the great inconvenience caused to the business community by the abolition of Mail despatches on Sundays to provincial centres; and whether it would not be possible to institute an express service for Sundays and holidays at extra rates?

**Mr. WALSH:** Arrangements have recently been brought into force by which Mails for Provincial Centres in

[Mr. Walsh.]

Saorstát Éireann, to which there is a suitable train service, and where the circumstances are deemed to justify exceptional treatment, are despatched from Dublin on Sundays. Mails from Great Britain which reach Dun Laoghaire by the Mail Packet on Sunday morning, are included in the despatch.

An express despatch service from Dublin is afforded on Bank Holidays also; in addition to important centres in Great Britain, as on Sundays, the arrangement is extended to Cork and Belfast on Bank Holidays.

### ARMY PENSIONS ACT, 1923.

**AILFRID O BROIN** asked the Minister for Defence if he will state to whom persons claiming to be entitled to pension or gratuity under the Army Pensions Act, 1923, should make their applications, and if dependents or the men of the 1916 movement will have their claims considered by the same authority?

**MINISTER for DEFENCE (General Mulcahy):** I anticipate that in about a week's time a public announcement will be made regarding the authority to whom all persons who appear to have claims under the Army Pensions Act, 1923, should make application. All claims will be dealt with by the one authority.

### ACCIDENTAL SHOOTING (QUESTION OF COMPENSATION).

**SEAN O LAIDHIN** asked the Minister for Defence whether compensation will be paid to Patrick Murray, Macc, Rathowen, Westmeath, in respect of his son, John, who was accidentally shot in Athlone on the 7th October, 1922; and further, to ask that, as Murray is in very poor circumstances owing to the loss of his son, payment of compensation be expedited.

**General MULCAHY:** Mr. Murray's claim will be considered as soon as possible by the authority referred to in my reply to the previous question.

**Mr. LYONS:** Would it be possible to send this man something on account; he is in a very bad way?

### WRITTEN ANSWERS (CLERICAL OFFICERS IN PRISON SERVICE—ALLOWANCE IN LIEU OF UNIFORM).

**AILFRID O BROIN** asked the Minister for Home Affairs whether it is a fact that, in accordance with Treasury Letter 159/22 and General Prisons Board's Circular 977/22 the clerical officers in the Prisons Service are entitled to an allowance in lieu of uniform equal to the *actual* cost of the uniform supplied to the uniformed ranks; whether he is aware that these officers are, and have been, receiving an allowance equal to the cost of the unmade material, and that the cost of making the uniform has not been included in the allowance; and whether, as this means that those officers are not compensated for the making of their clothing and are not in receipt of an allowance equal to the *actual* cost of the uniform, as laid down in the Letter and Circular above referred to, he will now take the necessary steps to have this matter rectified and the officers put in receipt of the full allowance to which they are entitled?

**MINISTER for HOME AFFAIRS (Mr. O'Higgins):** An allowance in lieu of uniform is granted to officers of clerical grades in the Prisons Service. As uniforms for prison officers are made up by prisoners' labour, the actual cost to the State is the cost of the materials, plus five per cent. for wear and tear of tools. The allowance in question is equivalent to such actual cost.

### CIVIL SERVICE BONUSES.

**AILFRID O BROIN** asked the Minister for Finance if he will state whether the Civil Service bonus has recently been revised on the English or Irish cost of living figure; whether it is a fact that, according to the cost of living report published by the Ministry of Industry and Commerce the cost of living figure was 91 in March, 1922, and 85 at the first of the present month, showing a decrease of six points; whether during that period the Civil Service bonus has been cut on a decrease of twenty points, and will he now explain by what way this cut has

been arrived at; further, whether he is aware that, in accordance with the Whitley Council cost of living agreement, the bonus should be revised every six months by averaging the index figure on the first of each month for the six months preceding the date of revision; whether the index figure is being only ascertained every three or four months in the Free State, and whether he will now say whether this method of revising the bonus is in accordance with the Whitley Council Agreement.

**MINISTER for FINANCE (Mr. Blythe):** The bonus payable to Civil Servants is revised every 1st March and 1st September by reference to the average Saorstát cost of living figure in the preceding six months. This average is arrived at for the Saorstát by ascertaining at the middle of each quarter the increase in the cost of living as compared with the pre-war period; the expense involved would not justify the carrying out of this investigation monthly instead of quarterly.

The bonus payable by the Saorstát to its Civil Servants is higher than the bonus payable by the British Government to British Civil Servants under the British Agreement referred to in the question. The relative figures are as follows:—

Cost of Living figures for purposes of bonus.			
Saorstát. British			
For period 1st Septem- ber, 1922, to 1st March, 1923	90	85	
For period 1st March, 1923, to 1st September, 1923	90	80	
For period 1st Septem- ber, 1923, to 1st March, 1924	85	75	

**AILFRID O BROIN** asked the Minister for Finance whether he is aware that in February, 1922, an Act was passed by the British Parliament whereby the supplemental pension of retired Civil Servants is revised in accordance with the cost of living; whether this Act was not in force at the time the Irish Civil Servants were taken over by the Provisional Government; and, if so, whether he will now

say why this British Act, passed into law after the transfer of the Irish Civil Servants to the Provisional Government, is being applied to those Civil Servants.

**Mr. BLYTHE:** The method of calculating bonus for the purposes of Civil Service pensions to which the Deputy refers, and which it may be observed was put in force not by an Act of the British Parliament, but by the Treasury as a service regulation, existed prior to the transfer of the Irish Civil Service.

No Civil Servant was transferred to the Provisional Government prior to the 1st of April, 1922.

### RESIGNATION.

**AN CEANN COMHAIRLE:** Frithcadh an litir seo leanas ó Theachta Eóin Mac Néill. The following letter has been received from Deputy Eoin Mac Neill:—

“Tigh Laighean,

“Baile Atha Cliath,

“3adh Deire Foghmhair, 1923.

“A Chara,—Do réir forálacha Alt 55 den Acht Timpeal Toghachán, 1923, faisnéisim leis seo gur rogha liom Dáileheanntair (Chontae an Chláir d'ionadú sa Dáil.

“Mise,

“(Sighnithe) EÓIN MAC NEILL.

“Teachta a toghadh i geóir Dáileheanntair Phriomh-Scoile Náisiúnta na hEireann agus i geóir Dáileheanntair Chontae an Chláir.

“Do Cléireach na Dála.”

Under the Electoral Act of 1923, Deputy Eoin MacNeill has elected to sit for the constituency of Co. Clare.

### NEW WRIT FOR DUBLIN CITY, SOUTH.

**Mr. D. McCARTHY:** I beg formally to move the following motion standing in my name on the Order Paper:—

“Go n-ordóidh an Ceann Comhairle do Chléireach na Dála a rit a chur amach chun ball do thogha chun an fholúntais a tharla imeasc ballra na Dála so de bharr Míceál O hAodha do thabhairt suas a shuíocháin i nDáil-

[Mr. D. McCarthy.]  
cheanntar Buirge Bhaile Atha Cliath  
Theas."

"That the Ceann Comhairle direct the Clerk of the Dáil to issue his writ for the election of a member to fill the vacancy which has occurred in the membership of the present Dáil, consequent on the resignation by Deputy Michael Hayes of his seat in the Borough Constituency of Dublin South."

**Mr. C. M. BYRNE:** I second the motion.

Motion put and agreed to.

### GOVERNOR-GENERAL'S SPEECH:

#### RESOLUTION OF THANKS.

**Mr. S. R. BURKE:** I rise to propose the following resolution:—"That the Dáil returns thanks to the Governor-General for his speech, and approves of the legislative programme of the Government as outlined therein."

On the last occasion on which this resolution was proposed, the country was confronted with dangers of a very serious and threatening kind. It was a time of doubt and uncertainty for all of us, a time when no one could say that the future was secure. We are not yet out of the wood. The dangers which confront us are still serious, though of a different nature, but by continuing to follow the path we treaded in the old days and in the manner outlined in the Governor-General's address, by continuing to tread that path cautiously and warily, but withal firmly, I believe that this Dáil and the nation it represents has every reason for looking forward with confidence to the future.

I am particularly pleased to see here that this historic nation is now a member of the body known as the League of Nations. It is only an embryonic institution at the present moment, but in it are the seeds of great things for the world and for humanity. Ireland before played a very important part in international affairs when her scholars went all over the Continent spreading the light of reason and the light of Faith, and it is a welcome thing to us to see that we are about again to take part in the same or a similar task. It

is also a good thing that we have participated in the Conference of the States making up the British Commonwealth of Nations. That will strengthen us, I am sure; it will strengthen our financial position, which is a matter to be very seriously considered at the present time.

The enactment of the Electoral Act, I am sure, was gratifying to all the people who have democratic ideals before them. By the adoption of adult suffrage our Constitution takes its place as one of the most democratic in the world. We are also about to put into force a new Act which embodies reforms in the administration of law and justice. The Irish people were, in the past, reputed, even by their enemies, to be a people that held justice and law and order very dearly, and it was the abuse of law and the abuse of justice in this country that was responsible for a great deal of the disorderliness and the lack of that law-abiding spirit that we found in other countries; but those remedial measures in our judicial system will bring about a return to the old ideals in this matter. It has been an excellent thing that in the very difficult crisis through which we have passed we have been able to organise a police force. I think it was one of the most creditable performances of the last Dáil that we were able to organise such a force in the face of such tremendous difficulties. Our military forces are after going through a very critical period, a period during which, in many respects, they had to take on the character of guerillas and which is now over. We can say with confidence that we have a regular army which, from the point of view of courage and efficiency, is second to none in Europe.

The problem of unemployment confronts us. It is a problem of course that has been made, to a very great extent, by the Irregular campaign in this country. It is a problem we have to tackle with all our energies, so as to see if we can overcome it, and I am sure, if the same capacity is shown in handling this difficulty as was shown in handling other difficulties during the last Dáil, we will have no difficulty in surmounting it.

I am glad to see that a measure for

the encouragement and development of agriculture has been outlined. This, as we all know, is the key industry of the country. It is at the present time, I am sorry to say, in a very serious condition, and it behoves us all, every interest in the country, whether commercial, labour or professional, to put our heads together and to see how this great industry can again be put on a sound and paying basis.

I have only looked over the Governor-General's address, and I am sorry I cannot do full justice to the various points mentioned. I will leave it now to the seconder to perform the part that I should have performed.

**SEOIRSE MAC NIOCAILL:** Ba mhaith liom-sa cuidiú leis an rún do chuir an Bureach os ar g-cómhair. Do chuireas rún mar seo os cómhair na Dála anuiridh a' moladh clár an Rialtais. 'Sé an Rialtas ceudhna atá againn fós. Dubhradh nach rabh meas ag muinntir na tíre ar an Rialtas acht nuair a bhi feall acu theasbanadar nar mar seo a bhi an secul. Tá súil agam go n-cireochaidh leis an Rialtas an clár seo a chur i bh-feidhm co maith agus a rinneadar 'san tearma atá caithte.

I rise to second the motion proposed by Deputy Burke, and I may say that in the last Dáil I had the privilege of proposing a similar motion to that which Deputy Burke has proposed today. It was a motion approving of the Ministerial policy. We have today practically the same Ministry as we had in the last Dáil. We heard that the Ministry were unpopular and that they were doing things that were not right. Well, the Ministry has been vindicated. Every member of the Ministry who went up for election was returned at the top of the poll, I think, with one exception. That shows to my mind that the people of the country are behind the Ministry and behind the Government. And the sooner, to my mind, the misguided individuals who think that the Ministry have not or will not have the support of the people, realise the fact that they have and will continue to have the support of the people, the better for these individuals themselves.

I am in the same difficulty as Deputy Burke, who kindly said that I would

deal in detail with this address, more fully than he did. I do not intend to do so. I did deal, to a certain extent in detail, with the Address on the last occasion, but I have not had a chance of doing it this time. I know that on the last occasion we had a very long debate. I think, as a matter of fact, the debate on the Address went on for several weeks. I do not think there is any need for dealing in detail with a subject like this. The only thing I would attempt to point out is this. We have the same Ministry that laid a programme before us in the last Dáil, and it is the same Ministry that is laying the programme before us in this Dáil. They have been vindicated, and I hope they will be in the position of carrying their present legislative programme into effect, as they did in the last Dáil.

**Mr. JOHNSON:** The Address by the Governor-General, which has been circulated as a Paper to the Dáil, has only been before the Dáil for thirty minutes. Consequently Deputies have not had an opportunity of reading the Address, and they cannot determine whether it is deserving of thanks or otherwise. I, therefore, beg to move the adjournment of the discussion on this motion until the next meeting of the Dáil.

**Mr. DARRELL FIGGIS:** I wish to second that.

Agreed.

Debate accordingly adjourned.

#### COUNTY COURTS (AMENDMENT) BILL, 1923.—FIRST STAGE.

##### MINISTER FOR HOME AFFAIRS

**(Mr. Kevin O'Higgins):** I move that the leave of the Dáil be granted to introduce a Bill to remove certain difficulties in relation to the holding of Quarter Sessions and Civil Bill Courts, and the service of certain documents relating thereto.

This Bill will be a temporary one. It is a purely provisional measure and it is framed to meet two administrative difficulties in the conduct of the Courts. The first is the impossibility of holding Courts at the accustomed place, the place named by Statute, owing to the destruction of the building, or for some

[Mr. O'Higgins.]

other good and sufficient reason; the second is the impossibility of personal service of documents in the usual way, owing to the absence of suitable process servers, or some other cause, and it is proposed to legalise service by post. These provisions were contained in a temporary Act which we passed in the last Session which has now lapsed. I ask for leave to introduce the Bill to meet those two difficulties.

**Capt. REDMOND:** Perhaps the Minister will inform me, does this Bill only refer to the interregnum between now and the time that the Courts of Justice Bill shall become law?

**Mr. O'HIGGINS:** That is correct.

Motion agreed to.

**AN CEANN COMHAIRLE:** When will the Second Stage be taken?

**Mr. O'HIGGINS:** This may be regarded as an urgent Bill and it is already in print. I would be glad if the Second Stage could be taken the next day the Dáil meets.

Second Stage ordered for Wednesday, 10th October.

### LICENSING (RENEWAL OF LICENCES) BILL, 1923.—FIRST STAGE.

**Mr. O'HIGGINS:** I move for leave to introduce a Bill to validate certain licences for the sale of intoxicating liquors which have lapsed by non-renewal, and to give effect to certain transfers of such licences.

It is a small Bill dealing with the question of the renewal of licences. Owing to the absence of Petty Sessions Courts in September of last year, certain holders of licences were unable to obtain their annual renewal, and their licences lapsed technically. The District Justices this year were in the position that they could not grant a renewal of these licences. There was no licence to renew, strictly and legally. There were similar difficulties arising out of the disturbed conditions of the last few years, and this will be a short Bill to get over those difficulties and to enable the licences to be renewed by the Dis-

trict Justices. I anticipate the Bill will be non-controversial.

Motion agreed to. Second Stage ordered for Wednesday, October 10th.

### SPECIAL COMMITTEES.

**The PRESIDENT:** I beg to move:

“Go n-iarrtar ar an gCoiste Rogh-nathóireachta nuair a bheid ag ainmniú ball chun fónamh ar Choistí Speisialta cuimhneamh ar chó-dhéanamh na Dála agus ar cháilíochta na mball a toghfar amach; agus go mbeidh comhacht acu chun baill de Choistí do seur mara dtagaid chun na geruinniú agus chun baill eile do cheapa in ionad na mball a seuirfar.”

“That it be an instruction to the Committee of Selection that, in nominating members to serve on Special Committees, they have regard to the composition of the Dáil and to the qualifications of members selected; and that they have power to discharge members of Committees in case of non-attendance, and to appoint others in substitution for those discharged.”

I do not know whether the new Deputies have read the Standing Orders, but Standing Orders 63 and 64 will be complied with if this resolution be passed. I think there is general agreement in regard to the spirit of the resolution, that it is non-contentious and that it is purely a matter of facilitating the work without having to come to the Dáil regularly to get members appointed. The main question that ought to be considered in the selection of Committees is met here, and that is that the Committee of Selection, in appointing members, should have regard to the composition of the Dáil and the qualification of members for the particular work involved in any terms of reference that would be made.

**MINISTER FOR FISHERIES (Mr. F. Lynch):** I beg to second the motion.

**Mr. DARRELL FIGGIS:** If I rightly understand the last sentence of this motion, it is that the Sessional Committee of Selection, without reference to the Dáil, will have power to discharge members from any committee nominated by that Committee of Selection, but appointed by the Dáil. That seems to be the intention from the



wording of this motion. I would like to have it made clear if that is the intention. If it be the intention, I suggest it is a rather dangerous principle to adopt, seeing that the Committee of Selection in the first instance is nominated by this Dáil and it might very easily suggest to the Dáil the discharge of members of a Special Committee for non-attendance, but this Dáil should assume the responsibility for that discharge.

**AN CEANN COMHAIRLE:** The terms of the motion imply that. In the case of non-attendance the Committee of Selection will have the power to discharge members and appoint others in substitution for those discharged. It has been found to work out well in another place, I think.

Motion agreed to.

### COMMITTEE ON PROCEDURE AND PRIVILEGES.

**The PRESIDENT:** I beg to move:

“Go gceaptar Coiste ar a mbeidh aon Teachta déag, a ainmnoidh Coiste Roghnathóireachta an tSiosóin, mar Choiste ar Nós-Imeachta agus Príbhleáidí, go mbeidh sé de chomhacht ag an gCoiste pé aguisíní agus leasuithe ar na Buan-Orduithe a cheapaíd a bheith riachtanach do mhola agus breithniú do dhéanamh agus tuarascabhaíl do thabhairt uatha i dtaobh na príbhleáidí atá ag Teachtaí Dháil Éireann; gur lear cúigear mar quorum.”

“That a Committee, consisting of eleven Deputies to be nominated by the Sessional Committee of Selection, be appointed on Procedure and Privileges, that the Committee be empowered to recommend any additions and amendments to the existing Standing Orders that may be deemed necessary, and to consider and report as to the privileges attaching to Deputies of Dáil Éireann; that five constitute a quorum.”

The terms of reference were already agreed to in the last Dáil, and I think there is general approval of the appointment of this Committee.

**Mr. F. LYNCH:** I beg to second the motion.

**Mr. THOMAS JOHNSON:** On this point, while I think this is a desirable

course, I was under the impression that the Dáil decided on the last occasion that the Committee which was then elected would act as a Committee on Procedure and Privileges.

**AN CEANN COMHAIRLE:** What was decided at the last meeting of the Dáil was that the Committee elected to carry out the terms of Article 55 of the Constitution would be the Sessional Committee of Selection, which is a different matter.

Motion agreed to.

### STANDING ORDERS FOR PRIVATE BILL BUSINESS.

**The PRESIDENT:** I beg to move:

“Go gceaptar Coiste ar a mbeidh chúig Teachtaí, a ainmnoidh Coiste Roghnathóireachta an tSiosóin, chun Dreacht do Bhuan-Orduithe i gcóir rialuithe gnó Billí Príobháideacha d’ullamhú agus do chur os cóir na Dála agus go n-iarrtar ar an Seanad a chó-oiread ball den tSeanad do cheapa chun gníomhú ar an gCoiste seo.”

“That a Committee consisting of five Deputies, to be nominated by the Sessional Committee of Selection, be appointed to prepare and submit Draft Standing Orders for the regulation of Private Bill Business, and that the Seanad be requested to appoint an equal number of members of the Seanad to act on this Committee.”

I think that our experience in the last Dáil was that a Committee to deal with this particular matter was essential, and I think it would give general approval if this Committee were appointed without delay.

**AN CEANN COMHAIRLE:** A draft of Standing Orders for the regulation of Private Bill business has been prepared. A practising Barrister has been engaged in preparing these Standing Orders, and they were submitted during the last Dáil to a small Committee of Deputies and Senators nominated, in the one case, by our Committee on Procedure, and, in the other case, by the Standing Orders Committee of the Seanad. What is needed now is another Joint Committee to put the draft before us.

Motion put and agreed to.

## HOUSE COMMITTEE.

**The PRESIDENT:** I beg to move:

“Go gceaptar Coiste ar a mbeidh trí Teachtaí, a ainmnoidh Coiste Roghna-thóireachta an tSiosóin, chun féachaint i ndiaidh na n-aiseanna laistigh is cóir a bheith ag Baill an Oireachtais agus chun Seomra an Bhídh do stiúrá, agus go n-iarrtar ar an Seanad a chó-oiread ball den tSeanad do cheapa chun gníomhú ar an gCoiste sin; gur leor mar quorum.”

“That a Committee consisting of three Deputies to be nominated by the Sessional Committee of Selection, be appointed to supervise the internal accommodation arrangements for the members of the Oireachtas and to control the Restaurant, and that the Seanad be requested to appoint an equal number of members of the Seanad to act on the said Committee.”

In the selection of this Committee, I am sure that the Sessional Committee of Selection will take into consideration the age and the peculiarities of the tastes of the particular Deputies who will be appointed, as well as the different parties from which they are drawn. I think it is the desire of all members of the Dáil that we should make the new Deputies comfortable. The old Deputies did not seem to suffer any disadvantages from the arrangements made in the old Dáil, but with new Deputies coming along it is quite possible that it might be necessary to make other arrangements.

**Major BRYAN COOPER:** Might I ask the President why it is necessary that this Committee should only consist of three Deputies, because if there are only three Deputies it cannot possibly represent every section of the Dáil. There is the Government Party, the Labour Party, the Farmers' Party and the Independents, and I think the President will agree that this is a Committee on which it is very necessary that every section of the Dáil should have a representative. I ask him, therefore, if he would not allow the Committee to consist of five Deputies instead of three. Even with the Seanad representatives that will not make it unwieldy in size, and will allow for two Government representatives, and one

from each of the other sections of the Dáil.

**The PRESIDENT:** I have no objection.

**AN CEANN COMHAIRLE:** Is leave given to have the motion amended so that the Committee may consist of five Deputies?

Agreed.

Motion, as amended, put and agreed to.

## SESSIONAL COMMITTEE OF SELECTION.

**Mr. GOREY:** Before the next Order is taken up, I would like to know what has been done about the Sessional Committee of Selection. It has not met, and I would like to know when and where it is to meet.

**AN CEANN COMHAIRLE:** I understand that a meeting of the Committee is being called for 11.30 a.m. to-morrow. It was originally contemplated that it would meet this morning, but owing to the religious services held this morning it was thought that the meeting could not be held, and, therefore, no notices were sent out. It is proposed that the Committee should meet to-morrow morning at 11.30, if that would meet the convenience of Deputies, or if the Deputies on the Committee would meet immediately after the adjournment of the Dáil they could decide it themselves.

**Captain REDMOND:** Do I understand that notices have been sent out? It is most important that they should.

**AN CEANN COMHAIRLE:** Notices have not been sent out. It was thought necessary to consult Deputies who are on the Committee this afternoon, and if 11.30 a.m. to-morrow suits them notices will be sent out.

**Captain REDMOND:** I suggest that notices should be sent out in future for every such meeting.

**Mr. HUGHES:** I suggest that the Committee should be asked to meet immediately the Dáil adjourns. I know that some Deputies cannot attend to-morrow at 11.30.

**AN CEANN COMHAIRLE:** Notices are always sent out for meetings of Committees or for the summoning of which I am responsible. I am not responsible for the summoning of this Committee, and I rather deprecate the suggestion that notices which should have been sent out were not sent out. I can assure Deputy Captain Redmond that notices are always sent out for meetings which it is our business to summon. It is the business of Deputies appointed on this Committee to meet, and it is necessary to have a very full meeting, because the quorum is very high. It was therefore necessary to wait until this evening, when Deputies met together, in order to fix a proper time for the meeting.

**Captain REDMOND:** Might I suggest, sir, that you would exercise your great influence, if not *ex cathedra* at any rate outside, and have notices sent out for every meeting. I fully realise that you are not responsible in any way for this Committee.

**Mr. D. J. GOREY:** I agree to the suggestion of Deputy Hughes, that a meeting of this Committee might be convened for this evening. A fixture at 11.30 a.m. to-morrow would clash with a private meeting of our party. We can meet after the adjournment or even while the Dáil is sitting.

**AN CEANN COMHAIRLE:** I understand that it is not the intention of the Government to proceed with the Committee stage of The Courts of Justice Bill this evening.

**The PRESIDENT:** That is so.

**AN CEANN COMHAIRLE:** In that case we will adjourn in five or ten minutes. If it would be more convenient for Deputies on the Committee to meet now in the Ministerial Committee Room upstairs, we will supply them with a Clerk, and they could proceed with the business at once, or fix a date for another meeting.

**Mr. JOHNSON:** Unless they are all present I suppose there cannot be a meeting as it was not called?

**AN CEANN COMHAIRLE:** That is so.

Vol. 5.

## THE COURTS OF JUSTICE BILL, 1923.

**The PRESIDENT:** I move: "That item 9 on the Orders of the Day (The Courts of Justice Bill, 1923—Committee) be discharged and that it be inserted on the Orders of the Day for Wednesday next." I intended to move the adjournment of the Dáil this evening for a week as we are arranging conferences and otherwise are engaged in connection with the industrial unrest in the country. It appears to us that it would be better that we should be able to devote the whole of our time to try and find an accommodation which we hope will be satisfactory. I have called one meeting for this evening. It was not possible owing to other activities to have called it earlier. I intend if possible to have another meeting to-morrow and a third meeting, if it be possible, on Friday. For that reason I would ask that the Dáil should adjourn for a week. In that case we would not take up The Courts of Justice Bill until this day week.

**Captain REDMOND:** On that point may I ask if it will be possible to take further amendments now, in view of the fact that the Government has thought fit to postpone this Bill?

**AN CEANN COMHAIRLE:** Certainly.

**Captain REDMOND:** It will be feasible then to accept further amendments. I might suggest that, as far as I am aware, very few people in the country are in great haste over this Bill, and I have seen it mentioned in the newspapers that the Attorney-General is about to take his place in the Dáil. If that is so, I would seriously suggest that it would be a good thing for the Dáil and the country if the Government could wait until the Attorney-General could be present here to take part in the discussion of the Bill, and give us the great benefit of his knowledge and experience in dealing with the legal aspects of this measure.

**The PRESIDENT:** I do not know that the Deputy is in a position to be as closely in touch with the general

[The President.]

opinions throughout the country as I am. I made many pilgrimages through the country during the last few months. My impression is that there is a desire for this Bill, but, apart from that desire, the Constitution is not yet complete without it. This matter has been before the country for some time. It was objected to in the last Dáil that it should be rushed, but I would say that, even in the case of measures which, perhaps, were hastened in the last Dáil, there was at all times—it may be admitted by all Deputies—very fair and considerate expressions from Ministers with regard to recommendations made about the Bills. I do not know that the Deputy is quite aware of the fact that there was very serious misgiving in certain parts of the country that this question had not been dealt with earlier, and many representations were made to us on that point. There was in general, I think, the impression that we intended to act in good faith and that the delays were not unreasonable. Even since the Bill had been introduced very little criticism or suggestions which would improve the measure have come from the business people on whose behalf application was made that the Bill should be postponed. I think there have not been material recommendations from them, and I think the Deputy will be satisfied when it is considered here that it will get very fair consideration, and it should not appear necessary to wait until any other legal gentlemen are returned to the Dáil. I think the legal gentlemen in the last Dáil were surprised at the ability with which measures were dealt with by those who have not had any association with the law.

**Mr. JOHNSON:** I would like to ask the President to give the Dáil some indication of what is to be the course of business.

**AN CEANN COMHAIRLE:** I think we have to settle what we have to do about the Committee Stage of this Bill before we take up that question. Am I to take it that the Committee Stage is to be taken on Wednesday next?

Committee Stage postponed to Wednesday, the 10th October.

## ADJOURNMENT OF THE DAIL.

### COURSE OF BUSINESS.

**The PRESIDENT:** I move the adjournment until Wednesday next at 3 o'clock.

**Mr. FINIAN LYNCH:** I second the motion.

**Mr. JOHNSON:** The adjournment from to-day until this day week involves, as I gather, a discussion, first on the motion of Deputy Burke, the Second Reading Stage of the two Bills which have just been introduced by the Minister for Home Affairs, and the Committee Stage of the Courts of Justice Bill. I want to ask the President if he can give the Dáil some indication of what his intentions are regarding the course of business. Dáil members were given to understand that they were to come to-day presumably to carry on business, but now they may go back to the country, and that, of course, as the Minister for Finance would know if he were here, involves a considerable amount of expense. If they have to come on Wednesday, I think they would like to know if they have to go back on Thursday, and if it is to be one day a week session, and also if it is the intention to carry on continuously, say, until Christmas, in dealing with the various Bills mentioned in the Address which has been laid on the table.

**The PRESIDENT:** I think I would be able to promise two days' business next week and the following week, and I think it is possible that we may then have to ask for an adjournment. The course of business next week would be the consideration of the two Bills which have just been given First Reading. The third item, I think, would be the Courts of Justice Bill. I should say that the whole of the evening will be given to it. On Thursday the Courts of Justice Bill, if it survives, will be taken up, and also on Friday, and it may be possible to sandwich in during these hours, the debate on the Governor-General's speech. I take it members would like an opportunity of reading that speech fully, as many matters of legislation

are dealt with in it, and I suppose the policy of the Government will be open to criticism upon it. I think it is reasonable that members should have an opportunity of studying it before making any statement.

**Mr. CONNOR HOGAN:** When will the Debate on the Governor-General's speech be resumed and how many days will be allotted to its consideration?

**The PRESIDENT:** In the last Dáil, at no time during its existence did we move the closure. Every subject got the fullest consideration, and we hope to be able to afford the same facilities in this Dáil, so that members will have an opportunity of discussing the Address to their heart's content.

The Dáil adjourned at 4 p.m. until Wednesday, October 10th, at 3 p.m.

## DÁIL ÉIREANN.

DE' CEADAÍN, 10ADH DEIRE  
FOGHIMHAIR, 1923.

(Wednesday, 10th October, 1923.)

Do chuaidh an Ceann Comhairle i  
gcannas ar a trí a clog.

### CEISTEANNA—QUESTIONS.

#### ORAL ANSWERS.

#### PERMANENT ACCOMMODATION FOR OIREACHTAS.

**Major BRYAN R. COOPER** asked the President whether any further steps have been taken to provide permanent accommodation for the Oireachtas.

**The PRESIDENT:** The answer is in the negative. The Deputy may not be aware that a Committee of both Houses was formed during the last Dáil to put up proposals on this matter, but they failed to come to any agreement, and the question has been left in abeyance since then.

It is my intention so soon as the exigencies of the situation permit to take up the matter again.

**Mr. DARRELL FIGGIS:** In view of the fact that the Committee appointed did not come to a decision because of the shortness of time at its disposal, before the end of the Session, would the President consider the establishment of a joint Committee of both Houses to deal with this matter?

**The PRESIDENT:** The facts are not quite as stated. It was not the shortness of time that was responsible for the Committee not coming to a decision as far as I am aware, because the time was extended and I was informed that there was very little likelihood of any report being presented. That was backed by a majority of those forming the Committee.

### BOARD OF WORKS LOANS.

**MICHEAL O hÍFEARNAIN** asked the Minister for Finance whether, in view of the depressed condition of agriculture, the loans formerly granted to farmers by the Board of Works for the erection of haysheds, etc., will not again be made available for such purposes.

**MINISTER for FINANCE (Mr. E. Blythe):** I regret that the financial position does not yet permit of the resumption of the issue of local loans by the Board of Works.

### EX-BRITISH SOLDIER'S PENSION.

**AILFRID O BROIN** asked the Minister for Finance whether he is aware that the British War Pension Department have reduced the pension paid to Mrs. Gertrude Guerrine, 5 Charlemont Mall, and her child, from 11s. 6d. weekly to 3s. 6d. weekly; whether he is aware that this woman's husband, Geoffrey Guerrine, served in Mesopotamia, India and Palestine, for four and a-half years, and was discharged suffering from malaria and bronchitis, and is now in Grangegorman Mental Hospital under the care of Doctor C. Costello, Assistant Medical Officer, who certifies that Geoffrey Guerrine is suffering from "Acute Melancholia, following on the stress of War Service"; if he is aware that the Pensions Appeal Tribunal have rejected the appeal against the reduction; to ask that steps be taken to protect this woman and other citizens of the Free State similarly treated.

**Mr. E. BLYTHE:** As I stated in reply to a question asked by Deputy Byrne on the 25th September, the administration of British Military pensions is not a matter in which the Government of the Irish Free State is officially concerned. The general representations then made by the Deputy on the subject were duly brought to the notice of the British Authorities in accordance with the undertaking which I gave to this effect. It is not possible for me to pursue inquiry in individual cases affecting a branch of administration for which I am in no way responsible.

**Mr. A. BYRNE:** Arising out of the answer I would like to draw the Minister's attention to the fact that there is another point which arises in this question, and it is that in view of the fact that the woman's husband fought in the Great War and is now an inmate of the Richmond Asylum, and that his upkeep is a charge on the ratepayers of Dublin, will he not consider that point and make some representation to the British War Pension Department? This woman has only 3/6 a week for herself and her child—

**AN CEANN COMHAIRLE:** The Deputy must not make a speech on the matter.

**Mr. BYRNE:** It is a matter for the Local Government Department.

**AN CEANN COMHAIRLE:** The Deputy can put down a question on the matter to the Minister for Local Government, when that Minister is appointed.

#### **INTERMEDIATE TEACHERS' INTERIM GRANT.**

**TOMAS O CONAILL** asked the Minister for Education whether he will state what amount was voted in respect of the year 1922-23 as an interim grant for intermediate teachers; what amount has actually been paid to the teachers, and what sum is claimed by the Intermediate Board by way of expenses in distributing the grant.

**MINISTER for FISHERIES (Mr. F. Lynch) for Minister for Education:** The amount voted as Interim Grant was £63,000.

The distribution of this grant is not yet complete. The amount paid to teachers to date is £54,785.

No sum has yet been claimed by the Intermediate Board by way of expenses of distributing the grant. The cost of distribution is estimated at £100.

#### **THE JUDICIAL SYSTEM.**

**Mr. JOHN GOOD** asked the Minister for Home Affairs if he will issue a detailed financial statement shewing:—

(a) The estimated cost of salaries, pensions, and other expenses necessary in connection with the establishment of the proposed Judicial System;

(b) The annual cost of the present Judicial System.

**MINISTER for HOME AFFAIRS (Mr. K. O'Higgins):** I shall endeavour to arrange with the Minister for Finance for the issue within the next few days of a statement on the lines suggested by the Deputy. I cannot, however, promise that the part of the statement which will deal with the estimated cost of the proposed future system will be detailed. The Deputy will realise that it is a sufficiently difficult task to forecast, with precision, the future cost of even an existing system: the difficulty is, of course, very much greater when an attempt is made to estimate for a totally new system. A rough estimate has, however, already been made from which it would appear that the new system will be substantially more economical than the present system.

**Mr. DARRELL FIGGIS:** I was about to ask a question supplementary to this. Would the Minister for Home Affairs put the Dáil in possession of these calculations, and state exactly to what extent these economies would apply to which he refers in his answer?

**Mr. O'HIGGINS:** I stated in the answer that it was extremely difficult to make anything in the nature of an exact forecast, but that I would endeavour to arrange with the Minister for Finance to issue a statement on the lines suggested by Deputy Good. The statement will be as ample as it is possible to make it, having regard to the other difficulties.

#### **OBSTRUCTION BY PICKETS.**

**MICHEAL O h-IFEARNAIN** asked the Minister for Home Affairs whether he is aware that farmers from the Balingarry district of the County Tipperary were obstructed and prevented from selling their live stock by strike pickets at the fair of Kilkenny, on September 12th, and at the fair of Callan on September 19th; whether adequate steps will be taken to prevent

[Mr. Heffernan.]  
a recurrence of such obstruction and interference, in order that the farmers in question may be free to carry on their ordinary avocations.

**Mr. O'HIGGINS:** Adequate forces of the Garda Síochána were on duty, both at the fair of Kilkenny on the 12th ultimo, and the fair of Callan on the 19th ultimo. No complaint was made to them of any illegal interference or intimidation, nor did they observe any. My information is that pickets were present but acted in a peaceful manner, and within their legal rights.

### ENNIS LADY KIDNAPPED.

**Mr. CONNOR HOGAN** asked the Minister for Home Affairs whether he has any information to give as to the kidnapping of an old lady, Mrs. Crowe, Moyresk, Ennis, on the 23rd ultimo, by armed men; whether her place of detention is known to the authorities; whether any arrests have been made in connection with the outrage, and if so, whether it is intended to bring them to trial; further, to ask whether, in view of the gravity of the outrage, it is proposed to take special precautions to meet this form of crime.

**Mr. O'HIGGINS:** Mrs. Crowe, of Moyresk, Ennis, was kidnapped by masked men on the morning of the 24th ultimo, and released on Saturday night, the 29th idem. No arrests have yet been made. As police inquiries are proceeding, it is not considered desirable to state the action which it is intended to take in this case.

**Mr. CONNOR HOGAN:** Is the Minister for Home Affairs aware that this lady was held to ransom for a sum of something like £200?

**Mr. O'HIGGINS:** I am aware that an offer or intimation to that effect was made to some solicitor. I think that it is not in the public interest that I should make any fuller statement on the matter than I have made.

### CORK ROAD WORKERS— QUESTION OF INSURANCE.

**TADHG O MURCHADA** asked the Minister for Industry and Commerce whether he is aware that grave hard-

ship is caused to the road workers of County Cork by the failure of the Cork County Council to stamp the Unemployment Insurance Cards of the road workers, and whether he will state what steps are contemplated to protect the interests of such workers under the Unemployment Insurance Act, 1923.

**MINISTER for INDUSTRY and COMMERCE (Mr. J. McGrath):** I have been aware for some time that the Cork County Council had failed to pay contributions under the Unemployment Insurance Acts in respect of their insurable employees. My Department has had some correspondence with the Council on the subject of the payment of contributions, but as non-compliance with the Acts continued, evidence has been prepared with a view to legal proceedings which will be taken in due course.

### ARREARS OF RENT.

**CONCHUBHAIR O CONGHAILE** asked the Minister for Agriculture whether it is intended to introduce legislation to amend the Sections of the Land Act, 1923, dealing with the arrears of rent; whether, in the case of tenants against whom decrees have recently been obtained, the same terms will be given as to those who were not proceeded against; further, what is the intention in regard to costs of the decrees.

**MINISTER for AGRICULTURE (Mr. P. Hogan):** The answer to the first part of the question is in the negative.

Sub-section (5) of Section 10 appears to meet the point referred to in the second part of the question. It provides that any money, whether rent, costs, or expenses, levied or recovered by a landlord on or after 3rd July, 1923, shall, in so far as it exceeds what ever would have been due as Compounded Arrears of Rent, be credited towards any sums subsequently payable by the tenant on that head.

### MOTOR TAX DISTRIBUTION.

**Mr. THOMAS O'MAHONY** asked the Minister for Local Government whether, as a large amount of the



Motor Tax is derived from car owners in urban areas, and as Urban Councils are the road authorities in such areas, and also contribute to the main roads in the rural areas of their county, steps shall be taken to allocate to these Councils their fair share of the fund raised from this tax, and which is now being distributed for road improvement to County and Borough Councils only.

**Mr. E. BLYTHE:** There is no power under existing law to make grants from the Road Fund direct to Urban District Councils as such.

Grants made to County Councils for road improvement should ordinarily be accessible to Urban District Councils within the county, if such Councils have roads within their areas of the class for which grants are made.

#### **RATE COLLECTOR'S PENSION.**

**SEOIRSE DE BHULBH** asked the Minister for Local Government whether he will reconsider the refusal of his Department to approve the pension granted by the Kildare County Council of £250 to Mr. E. A. Coonan, Rate Collector, after 31½ years of excellent service, in view of the fact that pensions granted to an official after 10 years' service, and to many others throughout the country, have been ratified.

**Mr. BLYTHE:** There is no statutory power to grant a pension to a rate collector whose whole time was not devoted to the services of a local authority. When application was made by the County Council for sanction to the pension awarded to Mr. Coonan, it was stated that whilst an officer of the Council he did not devote his whole time to the service of the county.

There is no power to enable the Minister for Local Government to waive the statutory regulations in this respect.

**Mr. WOULFE:** Arising out of that question, may I ask the Minister for Local Government if pensions have not been sanctioned to other rate collectors who are only part-time officers and who have had much less service?

**Mr. BLYTHE:** No.

**Mr. WOULFE:** I was given to understand that there were, and I was given the names of the people.

#### **CROOM COUNCIL'S COMPLAINT.**

**P. MAC FLANNCHADHA** asked the Minister for Local Government whether his attention has been called to the complaint of the Croom District Council respecting the failure of the District Medical Officer to attend a sick child, and whether he is aware that the District Council, on 31st May, requested that an Inspector of the Department should be sent to hold a sworn enquiry into the matter, and whether any action has been taken thereon.

**Mr. BLYTHE:** I am aware of all the facts in connection with this case, and having carefully investigated them, I do not consider that a sworn inquiry is necessary.

The medical officer referred to accepted a ticket presented by the child's father for attendance on the child. After the medical officer had accepted the ticket he was assaulted by the father, for which the latter was summoned and fined by the District Justice. The conduct of the father prevented the medical officer from acting on the ticket. His failure, however, to attend to the case has been noted. The Limerick County Board of Health have been informed of the decision arrived at in this case.

#### **POSTAL FACILITIES IN BANDON.**

**TADHG O MURCHADHA** asked the Postmaster-General whether he is aware that, in Bandon, Co. Cork, there is now only one delivery of letters daily, and as such an arrangement is the cause of considerable inconvenience whether he will arrange for a second delivery of letters daily.

**POSTMASTER-GENERAL (Mr. J. J. Walsh):** The matter is receiving consideration, and it is hoped that it will be possible to arrange at an early date for a second delivery, at least in the business portion of the town. The question of affording a later day mail despatch from Bandon is also receiving attention.

**REPORT OF POSTAL COMMISSION.**

**SEAN O LAIDHIN** asked the Postmaster-General what is the cause of the delay in the publication of the Report of the Postal Commission.

**Mr. WALSH:** The Report is in the hands of the Minister for Finance, to whom the Deputy should refer for further information.

**BARRACK FURNITURE.**

**LIAM O DAIMHIN** asked the Minister for Defence if he is in a position to state whether the military authorities have been furnished with a complete list of barrack furniture and other property handed over to them by the British army authorities previous to their evacuation of this country, if he is aware that a considerable quantity of such property was stolen or taken from many barracks previous to June 28th, 1922, if he can state how much of such stolen property has been recovered, whether the loss of such property or the renewal of same is to be a charge upon the general taxpayers of the Saorstát, and if he can state what steps he has already taken or intends to take in order to recover the property of the citizens.

**MINISTER for DEFENCE (Gen. Mulcahy):** Complete lists of barrack furniture and other property handed over to us by the British army authorities, previous to their evacuation of the country, are in our possession. I am aware that a considerable quantity of such property was stolen and destroyed by Irregulars prior to June 28th, 1922. It is not possible to state the comparative amount of such stolen or destroyed property. The loss of this property is loss to the State. It will be understood that it is undesirable to state what steps have already been taken, or it is intended to take, in order to recover whatever amount of this property may yet be recoverable. A certain amount of it has already been recovered.

**A CO. KILDARE ARREST.**

**AODH O CULACHAIN** asked the Minister for Defence whether he is

aware that, on the 7th July, 1922, Joseph Ennis was arrested near Prosperous, Co. Kildare, by a party of military, under the command of Patrick Hannon, O.C., Edenderry, who also retained his bicycle, a new Royal Enfield, value £12 10s.; that no charge has since been preferred against him; to ask that Ennis be released and his bicycle returned to him or compensation paid for same.

**General MULCAHY:** Joseph Ennis, of Cloncurry, Enfield, was arrested on the 20th July, 1922, on strong suspicion of actively assisting a local Irregular column. His bicycle was taken from him. In view of present conditions arrangements are being made for his release, and enquiries are being made with regard to the bicycle.

**SEIZURE OF BICYCLE AND CAMERA.**

**TOMAS MAC EOIN** asked the Minister for Defence if he will give instructions for the return to the owner without further delay of the bicycle and camera which were taken from Mr. Charles Ridgway, Organiser, Irish Transport and General Workers' Union, at Ballybay, in July, 1922, and which have been the subject of repeated unsuccessful applications to the Claims Branch of the Quartermaster-General's Department, or if the articles cannot be returned, give instructions for compensation to be paid for them.

**General MULCAHY:** The matter will be dealt with on the least possible further delay.

**SOLDIERS KILLED IN KERRY.**

**TOMAS MAC EOIN** asked the Minister for Defence whether any decision has yet been reached in the matter of bringing to Dublin for burial the bodies of soldiers killed on active service in Kerry, which he stated in the Dáil, on August 3rd, to be receiving sympathetic consideration.

**General MULCAHY:** A decision has not yet been taken in the matter.

## MILITARY MEAT CONTRACTS.

**SEAN O LAIDHIN** asked the Minister for Defence what is the price of beef and mutton per pound supplied to the Dublin Command, and also the price of meat per pound, including cost of delivery, supplied by the Dublin Command to the barracks in the Midlands; whether tenders were invited by advertisement, so as to give an opportunity to the local victuallers of competing, and whether it is the intention of the Minister to continue to supply all barracks in the Midlands from the Dublin Command, and further to ask if he can state the amount of money saved on the meat supply since the arrangements were made.

**General MULCAHY:** The cost of beef supplied from the Army Abbatoir is between 7d. and 8d. per pound, and the cost of mutton between 1s. and 1s. 1d. per pound. Its delivery at Mullingar barracks, which is the only barracks in the Midlands supplied, is about  $\frac{1}{2}$ d. per pound.

Tenders were invited by advertisement for supplies to that barracks and were received, but as the Quartermaster-General was satisfied that tendering was not free and unrestricted, no tender was accepted, and he considered it advisable for the time being to supply meat from the Army Abbatoir. Money is not being saved at the moment by this arrangement.

**Mr. LYONS:** Is the Minister aware that in the Mullingar Mental Hospital tenders have been received for meat at 5d. per lb., and that there would be more employment by keeping the contract locally, and that owing to what has happened in this matter in Mullingar three men have lost their employment. That is why I raised the matter.

**General MULCAHY:** It will be understood that it is absolutely necessary that there should be competitive tenders for supplies, or that tendering for supplies should be free and unrestricted. In the case of Mullingar it was not.

**Mr. DAVIN:** Can the Minister say why tenders for these supplies are not advertised for in the provincial papers?

**General MULCAHY:** I understood that they were, but I will have enquiries made. At any rate they were fully advertised in the daily press, which will reach all the tradesmen who are likely to tender.

## A TAILOR'S CLAIM.

**AODH O CULACHAIN** asked the Minister for Defence whether he has had inquiries made (as promised by him during the debate on the Appropriation Bill on the 30th July) regarding the claim of Mr. Samuel L'Amie for payment for 466 hours worked as a tailor in Newbridge Barracks, and whether he will give orders that this man be paid his wages, so long overdue, at once.

**General MULCAHY:** Mr. L'Amie's claim has been under consideration, and it has been decided to pay him as a civilian employee at the local standard rate for a tailor at Newbridge. Application has been made to Mr. L'Amie for the return of a time book in which is recorded the number of hours worked and the nature of the work performed by him. As soon as this book is received the claim will be settled.

## WRITTEN ANSWERS.

### DUBLIN MAN'S ARREST.

**TOMAS MAC EOIN** asked the Minister for Defence whether any charge has been preferred against John Healy, of 32 North King Street, Dublin, who was arrested on the 3rd July, and who signed the usual form of undertaking some considerable time ago, and, if not, whether he will state if there is any possibility of his being released at an early date.

**General MULCAHY:** John Healy was arrested on the 2nd July last and was charged before a military tribunal with illegal possession of a quantity of arms and ammunition. It appears that he was caretaker of, and had the key of, premises in which he was aware that the arms and ammunition in question were concealed.

In view of present conditions, arrangements are being made for his release.

### PRISONERS IN MOUNTJOY.

**SEAN O LAIDHIN** asked the Minister for Defence whether he is aware that Joseph Fagan, James Fagan, and Christopher Corren, from Streete, Westmeath, were arrested on the 14th July, 1923, and are still detained in D Wing, Mountjoy Prison, and have not yet been charged or tried; whether he would state the reason for their detention; and further, if he is aware that two of the said prisoners are married, with helpless families, who are destitute owing to the detention of the prisoners; and further, to ask that these prisoners be immediately released.

**General MULCAHY:** Joseph Fagan, James Fagan and Christopher Curran were arrested on very strong suspicion of illegal interference with the Kilmore Estate in County Westmeath. They were believed to have been responsible for threatening letters received by the trustees on that estate; for the spiking of meadows, and for the opening of gates on to the roadway so as to allow cattle to escape. In addition, Curran made lettings of lands, to which he had no legal title, to others, so that the owner was deprived of the use of them.

The institution of proceedings against these men is at present under consideration, and in the meantime their release cannot be considered.

### COMPENSATION FOR COMMANDEERED MOTOR CAR.

**LIAM O DAIMHIN** asked the Minister for Defence whether he is aware that the Military Authorities at Durrow, Leix, commandeered a new Ford motor car, which was the property of Edward Dollard, Rathdowney, Leix, in July, 1922; whether same was used for the purpose of removing heavy loads of furniture, and, subsequently, returned to him in a useless condition; whether he has received a claim for compensation for the destruction of this car, and if he can state when he will be in a position to dispose of this claim.

**General MULCAHY:** Mr. Dollard's car was commandeered from the 1st to the 3rd July, 1922, for the purpose of conveying military stores from Rath-

downey to Durrow. Inasmuch as it appears that Mr. Dollard had purchased it about a month previously for about £42 10s., and that when taken by troops the glass screen and the hood were damaged and the engine had to be put in running order, the car cannot be regarded as having been new at the time. A claim for repairs, hire, and consequential loss has been received and will be considered at an early date.

### RELIEVING OFFICER'S PENSION.

**LIAM O DAIMHIN** asked the Minister for Local Government whether he has received repeated applications from the Laoighis Hospital and Homes Co. Committee, asking him to sanction payment of a pension to Mr. Denis Molloy, Cloneygowan, late Relieving Officer in the Mountmellick Union, and if he can now state the reason for the delay in giving sanction for the pension to which this man is entitled since October, 1921.

**Mr. E. BLYTHE:** The pension awarded to Mr. Molloy is governed by the provisions of Section 11 (4) of the Local Government (Temporary Provisions) Act, 1923. As the Laoighis County Council did not dispute within the prescribed time the amount of the allowance granted to him, he is legally entitled to receive that amount from the County Council, on whom the liabilities of the former Boards of Guardians in the county devolve. Sanction to the payment of the allowance is not necessary. The County Board of Health were written to this effect in June and September.

### OLD AGE PENSION (CORK).

**TADHG O MURCHADHA** asked the Minister for Local Government whether he is aware that the claim of Owen Wade, Barrack Hill, Clonakilty, Co. Cork, for an old age pension, although twice passed by the Clonakilty Sub-Pensions Committee, has been disallowed, whether he is aware that claimant is totally blind, and is aged 68 years, and whether he is aware that the claim is a most deserving one, and whether he will state the grounds on which the claim has been disallowed.

**Mr. BLYTHE:** The claim of Owen Wade, MacCurtain's Hill, Clonakilty, to the pension under the Blind Persons Act has been twice passed by the Clonakilty Pension Sub-Committee. Appeals against the decisions were lodged by the Pension Officer, on the ground of insufficient evidence of blindness.

The first claim was passed by the Sub-Committee on the 11th January, 1923, but was disallowed on the 9th February, 1923, on appeal on the medical evidence then submitted.

The second claim was passed by the Sub-Committee on the 21st September. The appeal, received on the 27th September, is under investigation. A special medical examination of the claimant's eyesight will be made as soon as practicable.

A baptismal certificate has been produced which shows that the claimant was baptised on the 6th June, 1856, and is eligible on age for the blind pension.

#### CLERKS OF DISTRICT COURTS.

**TADHG O MURCHADHA** asked the Minister for Home Affairs whether any permanent appointments of Clerks of District Courts have yet been made.

**Mr. K. O'HIGGINS:** The permanent appointments of Clerks of District Courts have not yet been made. It would not be possible to make such permanent appointments because the Act under which the office is created and held (District Justices Temporary Provisions Act, 1923) is itself limited in duration to one year and expires next March.

#### RESIGNED R.I.C.

**Mr. PATRICK J. EGAN** asked the Minister for Finance whether he is aware that three brothers, Andrew, Thomas, and William Colgan, of Rahan, Tullamore, resigned from the late R.I.C. force, through national sympathies, in June, July, and October, 1920, after 8½, 11, and 14½ years' service, respectively; that a Commission was appointed by the Government in November to inquire into such cases, and that they were amongst the number whose cases were approved by the Commission as being

entitled to pensions or compensation, and, that, up to now, they have received no such pensions or compensation; whether, in view of the fact that they are in very straitened circumstances, being unable to get work and having been refused admission to the Civic Guard, although passed as medically fit, he will take steps to have them speedily granted the pensions or compensation to which they are entitled, and, furthermore, whether he cannot throw open vacancies in the Civic Guard to them and other men in similar circumstances?

**Mr. E. BLYTHE:** Regulations governing the grant of pensions, allowances or gratuities to such ex-members of the R.I.C. whose resignations or dismissals are certified in the manner prescribed by the Superannuation and Pensions Act, 1923, are at present under consideration, and I am not in a position to give any information regarding the grant of individual pensions. As regards those portions of the question dealing with admission to the Civic Guard, I would suggest that the Deputy should address them to the Minister for Home Affairs.

**MICHEAL O HIFERNAIN** asked the Minister for Finance when the pensions which are to be, or have been granted to the ex-members of the R.I.C. who resigned from that force for national reasons during the pre-Truce period will be paid, and whether any arrangements have been made for the relief of those ex-members of the R.I.C. who may be in need owing to the delay in granting those pensions.

**Mr. BLYTHE:** No pensions can be granted to ex-members of the R.I.C. who resigned or were dismissed from that force on account of their national sympathies until the regulations prescribed by the Superannuation and Pensions Act, 1923, have been approved by resolution of this House. The regulations are at present under consideration.

**MICHEAL O HIFERNAIN** asked the Minister for Finance whether, in the interests of economy, it is the intention of the Government that employment be found in Government services for ex-members of the Royal Irish Con-

[Mr. Heffernan.]

stabulary who resigned their positions for national reasons, at salaries which would place them in positions at least equal financially to those which they vacated.

**Mr. E. BLYTHE:** In framing regulations under the Superannuation and Pensions Act, 1923, due regard will be had to possible reduction of pension charge in the event of a pensioner entering Government employment.

#### **A TULLAMORE DECREE.**

**Mr. PATRICK J. EGAN** asked the Minister for Finance whether he is aware that, in the case of James Healion, Sragh, Tullamore, applicant, *versus* King's County Council, respondents, a decree was awarded to applicant by the County Court Judge for £61 10s., including costs and expenses, on the 29th May, 1920, which decree was appealed to by the County Council, the appeal being heard at the Assizes on the 1st July, 1920, same being affirmed and the amount increased to £168 0s. 11d., including costs; furthermore, that the decree was duly lodged with the County Council for collection and payment in the ordinary way, the decree being destroyed with others in the burning of Tullamore Courthouse, in July, 1922, a declaration as to its existence and destruction having been filed in the Ministry of Finance and that the claim has not yet been paid, can he state when it will be paid?

**Mr. E. BLYTHE:** Defended decrees for damage to property sustained within the pre-Truce period are dealt with for payment as far as possible according to priority of the date of damage. In the case referred to by the Deputy the damage occurred in May, 1920, and the full amount of the decree would have been paid in the ordinary course some weeks ago but for the exceptional difficulty experienced in establishing the fact of defence. This difficulty was due to the destruction of the County Court Records when the Tullamore Court House was burnt, but has now been overcome. It is hoped to include the decree in a schedule of cases to be advertised for payment towards the end of the present month and to complete payment at a very early date after publication.

#### **WRIT FOR DUBLIN CITY SOUTH.**

**AN CEANN COMHAIRLE:** The following is a notice of the issue of a writ for Dublin City South:—

#### **TUARASGABHAIL I DTAOBH CUR AMACH RITEACH I GCOIR BAILE ATHA CLIATH THEAS.**

#### **REPORT AS TO ISSUE OF WRIT FOR DUBLIN SOUTH.**

I gcó-líona Buan-Ordú 120 de Bhuan-Orduithe Dháil Éireann tá orm a thuairisciú gur dhineas ar an 3ad Deire Foghmhair, ar ordú on gCeann Comhairle agus do réir na bhforálacha ina thaobh san atá san Acht Timpeal Toghachán, 1923, mo rit do chur amach go dtí Loreán Scarlóg, Ceann Comhairimh, chun ball do thogha don fholúntas atá in ionadaíocht Dáilcheannantar Buirge Bhaile Atha Cliath Theas sa Dáil.

In compliance with Standing Order, No. 120 of the Standing Orders of Dáil Éireann, I have to report that on the 3rd October, on the direction of the Ceann Comhairle, and pursuant to the relative provisions of the Electoral Act, 1923, I issued to Mr. Lorean G. Sherlock, Returning Officer, my writ for the election of a member to fill the existing vacancy in the representation in the Dáil of the Borough Constituency of Dublin South.

(Sgd.) COLM O MURCHADHA.

#### **PROCEDURE.**

**Mr. DARRELL FIGGIS:** Before we enter upon the Orders of the Day, there is one matter I would like to raise which would be for the convenience of the Dáil, I think. It will be in your memory that I raised the same matter in the last Dáil on one or two occasions. On to-day's Orders I notice that item 5 deals with the Governor-General's address—there is a motion for a resolution of thanks—and then there are various matters in connection with the Courts of Justice Bill. Inasmuch as there is no definite information before the Dáil as to how long item 5 will occupy our time, Deputies have no method of ascertaining whether items

6 or 7 are likely to arise. Would it not be convenient to enter upon item 5 at, say, about 4 o'clock, and deal with the other items later? A time could be arranged so that whether this earlier business has or has not been concluded, it can be postponed. Then Deputies would be able to know at what hour certain business in which they are interested will be entered upon.

**AN CEANN COMHAIRLE:** The allocation of time is a matter for the President.

**The PRESIDENT:** It has been the practice up to this to suit the convenience of Deputies with regard to the Agenda, or any business that has been brought forward. For example, it will be within the recollection of Deputies that certain votes were postponed or allotted to certain days in order to suit the convenience of Deputies.

In that case, unless there was pressing Government business, business pressing by reason of special circumstances, it was not insisted on taking the Agenda in the order in which it was arranged. It was left generally to the Dáil, but, personally, I would prefer if the item on the Order Paper, No. 5, came before the Dáil that it would be only for a short period, limited, say, to half an hour, and that we should then take up item No. 6, or what Deputy Milroy calls the more serious business.

**AN CEANN COMHAIRLE:** It would be better, I think, to say that item No. 6 would arise at a particular time, because if what the President wishes were agreed on, that item might come on before 6 o'clock.

**The PRESIDENT:** If the Deputy has an appointment for any particular hour, and if he would tell us the time that the appointment is likely to occupy, we would do our best to convenience him. But if, on the other hand, he has no particular appointment, I would suggest that we allow half an hour for discussion on item No. 5.

**Mr. DARRELL FIGGIS:** The President will be relieved to learn that I have no appointment. I was merely

choosing this as an occasion to raise a matter that, I believe, would be for the convenience of the Dáil. I am merely raising it now because this is the first time in which this has occurred in this Session. I, therefore, suggest that certain definite business should be set down on the Orders for the Day at a certain time, and if earlier business has not been disposed of at such a particular hour, then we would be in a position to know exactly at what hour of the day certain definite business is to be entered upon.

**The PRESIDENT:** I would like to consult the Government Whip on that matter.

**Mr. JOHNSON:** I do not know what is the view of the Minister as to the relative importance of these matters on the Agenda, but I would have thought that a motion dealing with the Governor-General's address, which, of course, may be regarded as a declaration of Government policy, ought to be allocated something like a reasonable period of time for discussion. To suggest half an hour for a discussion on such a motion strikes me as rather slighting both the Governor-General, the mover of the Address, and the Dáil.

**The PRESIDENT:** I did not mean to limit the discussion on that particular subject to half an hour, but I think Deputy Johnson will recollect that last year it formed the subject of business for a considerable number of days, and it is our intention to allot ample time for discussion on it. The other matter is one of pressing importance, but there is no desire to bring it into relative comparison, in the matter of importance, with the motion of thanks on the Governor-General's address.

**AN CEANN COMHAIRLE:** Would the President take up item No. 6 at 5.30, or would he prefer to take it earlier?

**The PRESIDENT:** 5.30 will suit.

**AN CEANN COMHAIRLE:** Very well. Is it agreed that item No. 6 will be taken up at 5.30?

**Mr. JOHNSON:** I do not know what the line of discussion will take on these other items, but it seems to me to be

[Mr. Johnson.] relegating the discussion on the Governor-General's Address, which will really be a discussion on Government policy, to the background, and I would not participate in the discussion in these circumstances.

**AN CEANN COMHAIRLE:** As there is not agreement, the adjournment of the debate on No. 5 can be moved when it is thought fit to do so.

### FRIDAY SITTINGS.

**The PRESIDENT:** It will be remembered that in the last Dáil it was put up to us that it interfered very much with the convenience of Deputies living considerable distances away from the city to have an adjournment at 8.30 on Friday evenings, and the request was put forward that we should meet at 12 o'clock on Fridays. We agreed to that request, and if the same substantial body of the Deputies is in favour of an early sitting on Fridays we propose to facilitate them, and to move that, until otherwise ordered, the Dáil will assemble on Fridays at 12 o'clock, noon, and adjourn at 4 p.m.; private business to be taken at 2 p.m.

**AN CEANN COMHAIRLE:** The order will be that the Dáil will meet at 12 o'clock, noon, on Fridays, and adjourn at 4 p.m., private business on the Order Paper to be taken at 2 p.m.

### THE INDUSTRIAL SITUATION.

**The PRESIDENT:** I would ask for permission to make a short statement on the industrial situation. As I stated at the last meeting of the Dáil, we have been engaged for the past week in investigating, with those qualified to advise us, remedies for our present industrial difficulties. We have found that the matters to be considered are very wide in scope and that strong opinions are held on them by the various parties whose interests are affected. It will be necessary to devote more time to this question before a definite solution is achieved, but we have already progressed towards an understanding, and I am confident that peace and moderation will before long prevail. Special attention is being paid to the problem of the cost of living,

particularly in the larger towns and cities, and it is evident that all parties recognise this to be one of the essential points on which adjustments are necessary. Recently the price of bread in Dublin has been reduced, and I am hopeful that reductions in the prices of other essential commodities will shortly follow.

In all the consideration we have been giving to the industrial position, one great obstacle to an early adjustment has presented itself, and that is the trouble at the ports. This stoppage of work has had a paralysing effect on trade, and until the ports are again fully open no settlement designed to promote commerce and industry can take practical effect. The position at some ports is worse than that at others. Where the position is exceptionally grave various intermediaries, members of the Dáil and others, have exerted themselves to bring about a settlement that would relieve hardship and distress. They report, however, that there is little prospect of progress being made at present except on a national basis, and so the Minister for Industry and Commerce, in view of the information he has received and with grateful appreciation of the services of those intermediaries in the cause of peace, is communicating to both parties to the dispute a proposal designed to secure an immediate opening of all the ports and a detailed investigation into this question of dock labour in an atmosphere conducive to reliable conclusions.

The proposal which the Minister for Industry and Commerce is making is, briefly, as follows:—

1. That on resumption of work there should be a reduction in wages of 1s. per day, with consequential reductions in tonnage and overtime rates and in the wages of men who have previously followed the settlements relating to dock labour.
2. That the Minister, in the exercise of his powers under Part II of the Industrial Courts Act, 1919, should, as soon as possible after the resumption of work, set up a Court of Inquiry to report on this question of dock labour.



The proposal to set up a Court of Inquiry is particularly appropriate, since I understand that the practice under which questions relating to dock labour are now dealt with on a national basis originated from the report of a Court of Inquiry which sat in London some years ago. We are now independent of Great Britain in these matters, and it is right and proper that we should now adopt our own enquiries for ourselves with a view to such arrangements as the circumstances of our own case require.

If these proposals are accepted, they will re-open the ports and enable our Christmas trade, which is soon beginning, to be conducted in a normal way. For the future, the Court of Inquiry may be trusted to make such recommendations as will safeguard the interests of all concerned. I would deprecate any detailed discussion of the matter now, but I trust that the feeling of the Dáil is in favour of the Minister's proposals which I have outlined and which, without any excessive sacrifice on either side, will terminate a deplorable situation.

### MINISTERS AND SECRETARIES BILL—FIRST STAGE.

**The PRESIDENT:** I am scarcely ready to move for leave to introduce this Bill unless it were to be understood that the second reading should not take place for a fortnight. If so long an interval is not desired, then I would propose to leave the matter over, and give notice of the introduction of the Bill for another day.

**Mr. JOHNSON:** Would it not be better, if the formalities have been

The report is as follows:—

i. Do ceapadh an Coiste do réir Rúin do rith an Dáil ar an 20adh Meán Fhómhair, 1923, mar leanas:—

“Go dtoghtar Coiste den Dáil, ar a mbeidh cúig teachtaí déag, chun molta a dhéanamh don Dáil do réir Airtíogal 55 den Bhunreacht i dtaobh na n-Airí i gcóir Talmhaíochta, Iascaigh, Rialtais Aitiúla agus Oifig an Phuist; go dtoghtar an Coiste do

completed, that there should be as long a period between the first and second reading as possible?

**The PRESIDENT:** Very well. Then I shall move for leave to introduce “A Bill for Constituting the Ministers and Departments of State, in Saorstát Éireann, pursuant to the Constitution, and for enabling the appointment of Parliamentary Secretaries, and for purposes incidental thereto.”

I do not think it is necessary to enter into a detailed explanation, but it is necessary to put this matter on a satisfactory basis. The Bill, although simple in many of its details, has, nevertheless, imposed a considerable burden on those engaged in its construction by reason of the number and distribution of the various departments and the necessary consideration which must be given in associating Departments in particular Ministries. I do not think it is necessary to say any more in regard to the introduction, and I beg, therefore, to move formally for leave to introduce the Bill.

**Mr. PETER HUGHES:** I beg to second.

Question put and agreed to.

Second reading ordered for Wednesday, October 24th.

### MINISTERS NOT MEMBERS OF THE EXECUTIVE COUNCIL.

**Mr. PETER HUGHES:** I beg to move that the report of the Committee elected to make recommendations as to Ministers who shall not be members of the Executive Council be adopted by the Dáil.

1. The Committee was appointed in pursuance of a Resolution of the Dáil passed on the 20th September, 1923, in the following terms:—

“That a Committee of the Dáil consisting of fifteen deputies be chosen to make recommendations to the Dáil in accordance with Article 55 of the Constitution as to the Ministers for Agriculture, Fisheries, Local Government, and the Post Office;

réir an vóta ionaistrithe shingil; gur aon duine déag a bheidh mar quorum den Choiste."

2. Do réir an Rúin sin thuas do cuireadh toghachán ar siúl Dé Máirt, 25 Meán Fomhair, 1923, agus do toghadh na Teachtaí seo a leanas chun gníomhú ar an gCoiste sin:—

Tomás Mac Eoin, Liam Mac Reamoinn, Risteárd Mac Liam, Tomás O Mathúna, Peadar Mac Aodha, Domhnall Mac Cárthaigh, Liam Mac Sioghúird, Risteárd Béimis, Liam O Daimhín, Doncha O Guaire, Peadar O Dubhghaill, Criostóir O Broin, Pilib Mac Cosgair, Alasdair Mac Cába, agus Scoirse Mac Niocaill.

3. Tháinig an Coiste le chéile Dé Céadaoin, 3 Deire Fomhair, 1923. Bhí gach Ball den Choiste i láthair.

4. Do toghadh Peadar Mac Aodha mar Chathaoirleach.

5. Do bhreithnigh an Coiste na nithe a cuireadh fé n-a mbráid san Rún san thuas.

6. Do cinneadh a mhola don Dáil na teachtaí seo a leanas d'ainmniú chun na nAireacht atá i gceist:—

- (a) Pádraig O hOgáin chun bheith ina Aire um Thalmhaíocht;
- (b) Fionán O Loingsigh chun bheith ina Aire um Iascach;
- (c) Séamas de Búrea chun bheith ina Aire um Rialtas Aitiúil; agus
- (d) Séamas Breathnach chun bheith ina Aire Puist.

PEADAR O hAODHA,  
Cathaoirleach an Choiste.

3 Deire Fomhair, 1923.

This report has been circulated to Deputies, and I do not think it necessary for me to do more than formally move its adoption.

**PADRAIG O MAILLE:** Cuidighim le sin.

**AN CEANN COMHAIRLE:** I would like to ask the Chairman of the Com-

mittee whether it is his intention in moving the adoption of the report that the names of the four Ministers proposed should be taken together, or whether each should be proposed separately. I think the previous procedure was that each name was submitted separately, and I think it might be better to continue that procedure.

2. In accordance with the above Resolution an election was held on Tuesday, the 25th September, 1923, when the following Deputies were chosen to act on the said Committee:—

Deputies: Johnson, Redmond, Wilson, O'Mahony, Hughes, MacCarthy, Scars, Beamish, Davin, Gorey, P. S. Doyle, C. O Broin, P. Cosgrave, McCabe, and Nicholls.

3. The Committee met on Wednesday, the 3rd October, 1923. All Members of the Committee were in attendance.

4. Deputy Hughes was elected Chairman.

5. The Committee took into consideration the matters referred to them in the above Resolution.

6. It was decided to make the following recommendations to the Dáil for nomination to the Ministries in question:—

- (a) Deputy P. J. Hogan to be Minister for Agriculture;
- (b) Deputy F. Lynch to be Minister for Fisheries;
- (c) Deputy J. A. Bourke to be Minister for Local Government; and
- (d) Deputy J. J. Walsh to be Postmaster-General.

PEADAR O hAODHA,  
Cathaoirleach an Choiste

3rd October, 1923.

mittee whether it is his intention in moving the adoption of the report that the names of the four Ministers proposed should be taken together, or whether each should be proposed separately. I think the previous procedure was that each name was submitted separately, and I think it might be better to continue that procedure.

**Capt. REDMOND:** Before this motion is disposed of I would like to make my own position perfectly clear. I was elected a member of this Committee of Selection for the purpose of selecting external Ministers. I want it to be clearly understood, as a member of the Committee, that I accept no responsibility whatever for the nomination of these gentlemen. The Committee was elected on the principle of proportional representation. Of course, the Government, having a majority in this House, naturally had a majority upon the Committee, and, therefore, I want it to be realised that these gentlemen, strictly speaking, are Government nominees. Now I regret, very much, that the Committee and the Government did not see their way to take advantage of the Constitution whereby they could have appointed gentlemen who are not members of the Dáil, but who might be experts in the various Departments over which they might be called upon to preside. I think that is a pity. However, the Government have a majority in this House, and the Government had a majority on this Committee, and the Government are perfectly entitled to make whatever choice of Ministers they choose. They have made their choice; the responsibility is with them; and I want personally to disclaim, and to dissociate myself from any responsibility for the Ministers who have been nominated.

**The PRESIDENT:** I would like to say I do not accept that interpretation of members duty in this Dáil, nor of members of a Committee of this Dáil. As I understand public business—and I presume I have some experience of it outside of this House in other institutions than this—I understand a member's duty is not to wash his hands of every responsibility that comes before him, if he has not got a majority, but on the contrary to table better proposals, and, in this case, to have tabled the names of persons he considered more expert in the discharge of the administration of these positions than those who are named here, and then to come along here if his proposal was not accepted in the Committee, and say to this House: "We put on the paper

the names of better people for consideration than those who have been selected, but we have been beaten because the Government have a majority, and we have been beaten because they are filling up positions with the aid of their majority, and so on." But what has occurred here? Not a single suggestion is made; no constructive proposal whatever is put forward, but the Deputy simply comes here and says: "I wash my hands of all responsibility in this matter." That is not my interpretation of the duty, or the responsibility of a member of this House.

**Mr. JOHNSON:** The remarks I want to pass on this motion are somewhat different from those made by Deputy Redmond. I want to express my regret, and to enter a protest, that the spirit of the constitutional provision in respect of the appointment of external Ministers was not entered into in the discussion in the Committee. The object, I understand, of this particular provision was to make possible, the appointment of Ministers for certain offices who would be outside the ordinary political parties, and their operations and jurisdiction. It might have been possible, no matter what enquiry had been made, or what examination there had been of possible Ministers, that the same four names would again have been recommended.

The objection that I make is that there was no pretence or no attempt even to consider qualifications; there was no attempt at enquiry into possibilities. The decisions were made at Party meetings beforehand and the names were tabled. Of course the rights are there for the majority and the minority have to accept the decisions of the majority. The point is rather that the intentions of the Constitution were not carried through, and if the same procedure is to be taken as a precedent for future action, then I think that the provisions of the Constitution in this respect are entirely misapplied, and the responsibility for nominating Ministers for these External Departments ought to be, as is the case with the Executive Council, upon the President of the Council. If that responsibility is to be taken by the Dáil under the

terms of the Constitution, then, at least, some examination should be made by the Committee of the possibilities and Party decisions that have been come to beforehand ought not to be applied. That is all I have to say.

**Mr. BEAMISH:** As a member of the Sub-Committee, I was surprised to see two red herrings drawn across the track. Generally one red herring is sufficient, but we have here two red herrings drawn across the track of what happened in that Committee. The Committee were perfectly prepared to listen, however much they might have disagreed by a majority regarding the other nominees, but practically no names were brought forward. It was destructive criticism. It was not constructive criticism. It was a distinct attack made by means of these unfortunate red herrings as to the procedure we should adopt. Certain names were proposed. I had the pleasure of proposing one name myself. I heard a murmur, a wave of dissent, with regard to the Deputy I proposed, but no better man was proposed. In fact, no name at all was proposed. The red herrings remained. I think under those circumstances we will all agree that unless better men are proposed the men who are proposed will be generally accepted by the Dáil.

**Mr. DAVIN:** As a member of the Committee, I desire to protest against the procedure that was adopted by the Government Party in regard to the selection of their nominees. It was quite apparent that a Government Party meeting was held and that certain selections were made. That may be quite right in its own way, but on the morning of the day that Committee was summoned to meet, on very short notice, the newspapers that had the ear of the Government side published the names of the selected nominees of the Government Party. I suggest, with all respect to the Ministers, and with all respect to those who were responsible for giving that information, that it was very discourteous treatment of the members of the Committee who did not belong to the Government Party. That is my protest in the matter. I think it a very discourteous way for the mem-

bers of the Committee to be treated. The names selected by the Government Party were published on the morning of the day of the meeting and in that way prejudiced the decision of the Committee. I hope those who are elected to serve on any such Committee in the future will not be treated in that discourteous manner by the Government Party who are responsible for giving away that information.

**Mr. D. McCARTHY:** I would like to endorse what the President says. This is absolute hypocrisy. No suggestion at all came from the other members of the Committee. They had no other candidate to put up. We put up our candidates, we voted for them and they were elected and they come before the Dáil now. They want to wash their hands of it. Why did they not put up their nominees? I think the members of the Government Party who were on that Committee were open to examine any nominations that were put before them. They did nothing of the sort, but they now come to the Dáil and say we have nothing to do with this.

**Mr. WILSON:** The last speaker has misrepresented what happened, because I put up an alternative name for one of the Ministries, knowing full well that no matter what particular qualities the member I nominated had he had not the slightest chance of being accepted. However, to try the thing, I put him up and he was turned down, and I take it what happened in that case would happen in every other case.

**Mr. HUGHES:** As Chairman of the Committee, I wish to point out that some of the statements of the last speaker are not quite correct. He put up a name and when he was asked if he had the authority of the man whose name he put forward he said "No." If he had persisted a vote would have been taken, but the Deputy withdrew his name rather than have a vote taken. I do not like this kind of thing, that men should sit down, come to a decision and then try to wriggle out of it. I do not think that it adds to the dignity of the Dáil or the dignity of those who undertook public responsibilities. It is what you might call "sharp practice."

**Mr. T. O'MAHONY:** Surely all this is a pretence of piety. I wonder what would the Labour members do if they were in a majority? I wonder what would the Farmers do if they were in a majority? I wonder what would the Independents do if they were in a majority? They would do exactly what they accused the Government members of having done last week.

**Mr. WILSON:** Question.

**Mr. O'MAHONY:** There is not a shadow of doubt about it. I am particularly surprised at Deputy Redmond, who has had so much experience in that direction, coming here and catechising us. Our memories are not so short as to forget when it was a political sin to rebel against the Irish Party or against a nominee of theirs. What is sauce for the goose is sauce for the gander. To the victors the spoils of war. The Government Party has only done in this case what the high priests who are condemning them, in all the moods and tenses, would do if the same opportunity turned up for them.

**Mr. GOREY:** As one member of the Committee, I would like to say that I have heard a good number of inaccuracies, even from the gentleman who was Chairman of the Committee. He said that Deputy Wilson withdrew his nomination. That is not true. As a matter of fact, a vote was taken. I think the Minutes will show that ten were for and three against that motion. I only intervene on a question of accuracy. I have nothing to say to the decisions that were made. Deputy Redmond did not vote on this particular division that was taken. We admit that we had not alternative names to put up. The thing was rushed, at half an hour's notice. As a matter of fact, we were sitting there and we did not know that the meeting was to go on, and it would not have been held only that Deputy Beamish was fished up in some part of Dublin. By fishing him and hooking him and landing him at the table the meeting was able to go on. I knew the decision of that meeting would be the same, in any case. I hope Deputy Hughes will accept my statement that a vote was taken.

**Mr. HUGHES:** I accept that statement, that a division was taken, but the members asked that it should not be recorded.

**Mr. GOREY:** They did not ask—

**Mr. WILSON:** On a point of personal explanation, I moved this gentleman's name. The nomination was not withdrawn. There was a vote. The decision of the Committee was that the matter was not to be published in the Press, that it was to be recorded in the Minutes. I wish to ask the Ceann Comhairle in what part of the Constitution it is specified that where a member of the Selection Committee puts forward a name he must get the consent of that particular candidate. How can we get the best men in Ireland, if, say, we had to go down to Cork, where all the good men come from, and ask for their consent? The thing is impossible. We did the best we could in the circumstances. The nominations are practically the nominations of the Government, and they must accept responsibility.

**The PRESIDENT:** May I intervene for a moment to suggest that, in order that the matter be properly discussed, I should move each one of these members for a particular office and then if there are any alternative suggestions we can hear them.

**AN CEANN COMHAIRLE:** That must be done in any event. We have to agree with the Committee in their report, and then each name will be taken separately. The motion is "That the Dáil agree with the Committee in their report."

Agreed.

**Mr. DARRELL FIGGIS:** On a point of order, I wish to deal with the suggestion made by the President that the names here having been proposed, alternative suggestions may be put before the Dáil. I suggest that the Constitution clearly does not permit of any such course of action. The Constitution definitely states that each such Minister shall be nominated by Dáil Eireann on the recommendation of a Committee chosen by Dáil Eireann. That means that every nomination must come through the Committee and

[Mr. Darrell Figgis.] cannot come before the Dáil in any other way. I ask if that is not the case, according to the Constitution?

**AN CEANN COMHAIRLE:** First and foremost we had to get this report adopted. That has been done. When the proposal is taken that Deputy Hogan be elected Minister for Agriculture that proposal can be rejected or accepted. What is Deputy Figgis's point of order?

**Mr. DARRELL FIGGIS:** My point is that under Article 55 of the Constitution, the report may be accepted or rejected, but it is not in order for any other name to be placed before the Dáil except such name comes from and through the Committee.

**AN CEANN COMHAIRLE:** That is so.

**The PRESIDENT:** When I move that Deputy Hogan be elected, it should be open to an intellectual prodigy to select a better man, and back that up with reasons as to why a better man should be selected. If Deputy Hogan's nomination is turned down, all this pabulum goes to the Committee again, and they will have to select another name and get a man who will be up to the standards that have been set by some of the critics of the proposals which have been made. I think the Constitution will permit of that. I think it is within the knowledge of Deputy Figgis that a course of that kind is open under the Constitution. If Deputy Figgis extended his view somewhat and took a larger outlook on broad constitutional questions, I think the Dáil and the country would benefit, and we would make some progress instead of showing up and exaggerating the little infirmities that are in our character and the little mistakes that we make now and then.

Speaking to this particular motion, that Deputy Hogan be elected, I have to say that from my experience of something like twelve or eighteen months, that he held the position of Minister for Agriculture, I am perfectly satisfied that if left to the free vote of the people concerned—in this case the farmers of the country—De-

puty Hogan would be their nominee. I think it is right Deputy Redmond should know that.

**Captain REDMOND:** I know that already. I have great regard for Deputy Hogan.

**The PRESIDENT:** It is unnecessary, then, to waste the time of the Dáil. I move the motion.

**Mr. GOREY:** I second the motion. I think it is within my right. I took the same action at the Committee, and I am proud to take the same action here. I do not desire to make a speech, but Deputy Hogan has filled the office of Minister for Agriculture and has administered it as it should be done. His ability has met with the approval of the farming community. We differed with Deputy Hogan in connection with some matters under the Land Bill, but that was an honest difference. We recognise his abilities and we recognise that there is no man in the Dáil able to take his place.

**Captain REDMOND:** I am afraid that the President rather misunderstands my attitude. My attitude is in no way an objection to the personnel of the nominees, but my attitude is to make it perfectly clear to the country, beyond all sham, that these are the Government nominees, and that it is the Government who are responsible for them. I do not think it is very dignified or worthy of a Government to be endeavouring to shift its responsibilities on to others. Deputy Hogan was proposed at this Committee meeting, and, like Deputy Gorey, I signified my assent because, strange as it may appear to the President, I had heard of Deputy Hogan before. I had heard also of the esteem and regard in which he is held by the agricultural community. But, apart altogether from Deputy Hogan's character and his ability, the point that I want the Dáil to understand is that these gentlemen are the Government nominees, and that it is the Government, who have the majority here, and who have the majority on the Committee—and who are entitled to have the majority on the Committee, and who are entitled to nominate their own Ministers—it is they, and they alone, who are respon-

sible to the country for the nomination and support of the Ministers whom they have named.

**Mr. P. HOGAN** (Galway): This is the right time for me to make a speech, and I make it apropos of the statement Deputy Redmond has just made now. This is a storm in a teacup from start to finish. I think I am expressing the truth when I say that the Government and the Government Party did make up their mind as to whom they would propose for certain offices. That is the truth. I think it is equally true to say that not a single Party in the Dáil wish to take the responsibility of putting forward a nominee for any of these offices. I say "wish to take the responsibility." I do not think the Labour Party wanted to fill any Ministry and stand over that Minister and his policy for the year. I have never been told that they did or that they did not, but I think what I have stated is the truth, and that the Dáil will realise it is the truth. I do not think the Farmers' Party wanted to take the risk of putting forward anyone for any particular Ministry, and standing over the policy and taking responsibility for the Minister for a year or two. It is not going to be a bed of roses. I do not think that the Independent Party desired to do so either. That is the spirit of the Constitution. The spirit of the Constitution is not so much that a number of men should be chosen from any one Party for any one office, but that the various Parties in the Dáil should put forward men representing their point of view. That was never done. There is no use disclaiming responsibility at this stage. The Government Party took the responsibility of making certain suggestions. The other Parties did not wish to take the responsibility of nominating any members of their own. What is happening just at the moment is that the other Parties see a chance of getting a score and they are making a virtue of necessity. Every Party in the Dáil knows that if we offered them Ministries at present, they would not take them.

**Mr. GOREY:** Question! Make the offer.

**Mr. JOHNSON:** I think it is necessary to say that there are different interpretations of the intentions of the Constitution from those mentioned by Deputy Hogan. Everything that was said in respect of the method of appointing Ministers who would be responsible to the Dáil and not to the Executive Council, and who would not go out of office if the Executive Council lost the confidence of the majority, suggests that the appointment should not be a Party or a group appointment. It was possible to examine the qualifications whether members were in the Dáil or outside the Dáil. That is the intention of this clause, and it is quite apparent to everyone who was present when this discussion took place. Deputy Hogan, however, tells us that this is, and ought to be, a Party question, and that the names ought to be put forward as Party names—

**Mr. P. HOGAN:** On a point of order I never said anything of the kind. What I did say was—

**Mr. O'CONNELL:** Is that a point of order?

**AN CEANN COMHAIRLE:** It is a point of personal explanation.

**Mr. P. HOGAN:** What I did say was that not any Party except a Government Party—and this is not a mere technicality—ever seriously put forward a nominee of their own over whom they were prepared to stand and for whose policy they were prepared to stand. That was the spirit of the Constitution. They should have done that and the failure to carry out the spirit of the Constitution was not due in this instance to the Government Party.

**Mr. JOHNSON:** There is no question of the responsibility of Party at all. Deputies go to this Committee to make a selection and presumably to discuss the merits and not Party allegiances. When we were approached on the necessity of such a meeting we were informed plainly by the majority that it would be over in half an hour. There was no question then of considering the merits of any nominee or any Party or individual. A decision had been made and the Committee was a farce.

**AN CEANN COMHAIRLE:** The motion is that Deputy P. J. Hogan be nominated Minister for Agriculture. When the Report of the Committee was being adopted there was sufficient opportunity for discussing the operations of the Committee. Speeches will now have to be confined on this motion to the fitness or otherwise, as Deputies may possibly think, of Deputy Hogan as Minister for Agriculture.

**Mr. SHAW:** It is perfectly evident to the Dáil that the reason the other Parties outside the Government Party did not put on anyone was because they were well aware they could not find any more competent man than Mr. Hogan. Motion put and agreed to.

### MINISTER FOR FISHERIES.

**MINISTER for HOME AFFAIRS (Mr. Kevin O'Higgins):** In the absence of the President I move that Deputy Píonán Lynch be nominated Minister for Fisheries.

**Mr. HUGHES:** I beg to second that.

**Mr. GOREY:** I do not know that I should go into details about this question. This is one of the Ministries that a vote was taken on, and a good deal of discussion has been raised here about the motion and as to why members of the Committee did not put up candidates or did not nominate men for the position. As I said earlier, as a matter of hard fact, the Committee did not know it was going to meet until half an hour before the actual time of the meeting, and then when the Committee had met, it did not know it was going to do any business until ten minutes before the nomination was made. So I think that point should not be laboured at all. With reference to this question of the Ministry of Fisheries—

**AN CEANN COMHAIRLE:** It is the Minister for Fisheries.

**Mr. GOREY:** I think our people cannot consent to an appointment at all unless with the addition of an Advisory Board. This is not like Agriculture. It is not like Trade and Commerce. It is not like any of the beaten tracks or departments that have been in existence

and whose lines are definitely marked. The fishery industry is one of the things that is, practically speaking, unknown in this country or in the Dáil. I do not think we have an expert within the walls of this Assembly this evening, and we need an expert. If expert advice is going to be given us, if the money expended on this Ministry is going to be of any use at all, it can only be of any use by being intelligently applied. It can only be of any use when the two great questions in fisheries are going to take effect—when we have experts on propagation and protection.

**Mr. BEAMISH:** Is the Deputy in order in discussing this matter on the motion before the Dáil?

**AN CEANN COMHAIRLE:** I have the advantage of knowing what Deputy Gorey is going to say. He told me what he was going to say. I told him that the business of this Committee was to nominate somebody to be Minister for Fisheries, and the motion now is that Deputy Lynch be nominated. I think the point that he is now making would be applicable to any individual.

**Mr. GOREY:** Yes.

**AN CEANN COMHAIRLE:** I think that should be raised when the question of the creation or the continuance of a Ministry of Fisheries was under discussion. The question now is the fitness of the person nominated for this Ministry, and unless Deputy Gorey has something to say on that matter, he cannot, at this stage, discuss the question of a Board to assist a Minister.

**Mr. GOREY:** If I propose an amendment that this particular name be not accepted, can I speak to that and can I use the argument I have been using?

**AN CEANN COMHAIRLE:** I do not think so.

**Mr. GOREY:** I am absolutely in your hands, I bow to your ruling.

**Mr. JOHNSON:** Would it not be in order to discuss the question whether the Deputy named is capable without an Advisory Board to conduct this Department satisfactorily?



**AN CEANN COMHAIRLE:** I understand from Deputy Gorey that nobody is capable of doing it without an Advisory Board, at least he has told me so, and I understood—

**Mr. GOREY:** You need not understand anything from my remarks. Can I continue?

**AN CEANN COMHAIRLE:** Not on this matter of an Advisory Board. That was relevant when this Ministry was being created.

**The PRESIDENT:** It would be no harm to tell the Deputy that when the Ministries Bill comes up for consideration it will be open to him to raise the particular subject he wishes raised now. And that is whether we ought to have a Minister for Fisheries at all. I have intimated to my friends that if any Ministry was not continued we would expect that the Minister affected would retire. Under the Constitution he could hold on to the end of the period, but I think you may rely upon it that in the case of any of the four Deputies now nominated, should it be decided to abolish the Ministry to which any of them is assigned, the person so assigned will retire then.

I should like to say also that as I understand the nature of the criticism that has been made, it amounts to this: it is not against the Government but it is against the people for having returned the Government.

**AN CEANN COMHAIRLE:** I have explained with great care that that is out of order.

**The PRESIDENT:** I accept that.

**Mr. GOREY:** On a point of personal explanation, I wish to say, with reference to the name put forward, that I have nothing at all personal against the Deputy. I believe the Deputy is as capable—or as incapable if you like—as anyone else in the Dáil, to fill the position, and in suggesting the appointment of an Advisory Committee I wish to say there was no reflection cast on the Deputy. He knows my view and he knows how intensely interested I am in this matter. I hope nobody thinks that there is anything personal in my remarks.

**AN CEANN COMHAIRLE:** The Deputy will have other opportunities for making his point about an Advisory Board.

Motion agreed to.

### MINISTER FOR LOCAL GOVERNMENT.

**The PRESIDENT:** I beg to move that Seamus de Burea be nominated Minister for Local Government. This particular post is one that will require very great attention from the person appointed, and while it may be urged that Deputy Burke has not had much association with the administration of Local Government, he has been a member of the Dáil since 1918. This office, and indeed most of those offices, during the next couple of years will depend very largely upon the individual appointed and upon the policy of the Government. Local Government itself will require, perhaps, the most attention of any of the Ministries for some time to come. There has not been any great development in the last year or two, so far as able and capable administration are concerned, and it will be the study and the work of the persons who are appointed to try and mark some improvement in regard to this particular Ministry in the years to come. A considerable amount of arrears is outstanding in rates in the country, and the rates generally of local authorities are more than the people can bear. In a sense it can scarcely be urged that that is a responsibility of the Ministry, but I take it that the Minister, while concerning himself with that particularly in future, will see that particular service will be conducted throughout the country in such a manner that the rate-payers will get full value for their money.

**Mr. DOYLE:** I beg to second the motion.

**PADRAIC O MAILLE:** Ba mhaith liom cuidiú leis an rún san. Tá a fhios agam gur fear cliste é agus táim deimhnithe go ndéanfaidh sé an obair go maith. Theasbain muinntir Tiobraid Arann sa Toghachán Mór an meas a bhí aca air, agus táim cinnte go bhfuil an meas céadna ag lucht na Dála air,

**Mr. OSMOND ESMONDE:** I am, I think, the only Deputy in the Dáil who was associated with Deputy Burke some years ago in the arduous and thankless job of trying to obtain the sinews of war in America and in trying to conduct a campaign for the establishment and recognition of this State. I have a knowledge of the qualities which Deputy Burke displayed during that period, and I would like to associate myself with the proposal that he be accepted as Minister for Local Government. I am confident that he will display the same qualities as he displayed in America, in the arduous and perhaps the unpopular task of conducting and controlling the Local Government affairs of this country.

Motion agreed to.

### POSTMASTER-GENERAL.

**The PRESIDENT:** I move that Deputy J. J. Walsh be nominated Postmaster-General. I think this is a nomination that will be unanimously approved by the Dáil.

**Mr. C. BYRNE:** I beg to second the motion.

**Mr. O'MAHONY:** I have very great pleasure in supporting this nomination—

**Mr. GOREY:** Cork.

**Mr. O'MAHONY:** He is last but by no means least. When it was not a popular thing to support Irish ideals, the present Postmaster-General was in the fight. He risked his life and lost his liberty and his employment. These, though they may be strong recommendations in his favour, would not be recommendations that should absolutely impose him on the Dáil if he were unfitted for the position; but what stands most in his favour is that the Dáil and the country have had experience of his administrative abilities as a Postmaster-General. Before I became a member of the Dáil one of the pleasant experiences I had was to read the report of the Postmaster-General's Department—

**Mr. WILSON:** The deficit.

**Mr. O'MAHONY:** He effected great economies and he has laid the foundation of an extremely successful postal

system in the country. At present we suffer from disadvantages, but these are the legacies that have been left to us. I am assured that within a year our experience of the operation of the Post Office will be one that we will all have reason to congratulate ourselves on.

**Mr. GOREY:** I rise to support this proposal. I think the pleasant recollections that Deputy O'Mahony referred to are not the pleasant recollections that I have experienced. I have had pleasant recollections in my time, but certainly one of them was not the cutting down of the daily delivery and collection of letters to three deliveries and collections in the week, as has been done in the rural districts all over the country. That is not a pleasant recollection. It is done at the expense of the rural population. We hear of two and three day deliveries in the towns, but in the country, where the people bear as much of the taxation and the burdens of the country as anyone else, it is not pleasant to be told that they would get fewer deliveries than they were previously accustomed to. It is not pleasant for people to have to pay portage on every telegram they receive. I hope that the Postmaster-General will see that the rural population is not victimised and that the people in the towns will not be made parasites on the rural population. A citizen ought not to be penalised by the fact that he lives a certain distance from the post office. If that is to be the basis of Government it will not be satisfactory. I have great pleasure in supporting the nomination.

**Mr. NAGLE:** I desire to associate myself with what Deputy Gorey said about giving greater facilities to the people in the rural districts as regards the delivery of letters. I would also like to jog Deputy Gorey's memory, and to point out, if my recollection is accurate, and it usually is, that he advised the Postmaster-General in the last Dáil that the farmers of Ireland, in the interests of economy, would be quite willing to drive to the towns and collect their letters, and that the Postmaster-General's department could economise by doing away with the rural postmen.

**Mr. GOREY:** On a point of personal explanation.

**AN CEANN COMHAIRLE:** Order! Deputy Gorey must sit down, and allow Deputy Nagle to continue. We can take Deputy Gorey's personal explanation when Deputy Nagle is finished.

**Major BRYAN COOPER:** Might I ask if we are in order in discussing the administration of the Post Office?

**AN CEANN COMHAIRLE:** We certainly are not.

**Mr. NAGLE:** I was going to say, when Deputy Gorey interrupted me, that I hope the Postmaster-General will take the advice Deputy Gorey has offered him on this occasion, and that he will put in the waste-paper basket the advice that he offered him on a previous occasion.

**Mr. GOREY:** I am afraid that Deputy Nagle has not been stating facts, and I challenge him to produce the records of the Dáil to support the statement he has made. I never made the suggestion that he has referred to, and I challenge him to produce the records of the debate on that occasion to confirm one word he has uttered in connection with my name.

**Mr. NAGLE:** I will have great pleasure in delving into the records, and I will do my best to get the statement that I have referred to.

Motion put and agreed to.

#### **MINISTER FOR EDUCATION.**

**The PRESIDENT:** I desire to say that I have received the approval of the Governor-General to the appointment of Deputy Eoin MacNeill as Minister for Education.

#### **COUNTY COURTS (AMENDMENT) BILL, 1923.—SECOND STAGE.**

**MINISTER for HOME AFFAIRS (Mr. Kevin O'Higgins):** I beg to move that this Bill be now read a second time. This Bill is short and simple, and very necessary. It is a temporary Bill, its object being simply to see that no technical difficulties shall prevent the present County Courts from proceeding with their functions, pending

the re-organisation of the Judicial system under the Bill that is at present before the Dáil. Section 1 provides that a Court may be held anywhere in a particular county and not necessarily at what was the Statutory court of assembly. The necessity for this arises from the fact that many court-houses throughout the country are in ruins, or otherwise unfit for use. Section 2 gives to the Judge discretion to waive the usual formalities with regard to the service of documents, summonses, etc., provided he is satisfied that the service was, in fact, effective. Deputies will understand that, in some areas through the country, it has not been possible to serve documents of that kind personally. On the Committee Stage of this Bill I will ask for permission to insert a Section to get over another difficulty arising out of the fact that Jury Lists, in some counties, are out of date. Section 3 of the Bill is merely a definition Section, and Section 4 gives the period, or the lifetime, of the Bill. The Act shall be deemed to come into force on, and shall have effect as on and from the 1st day of September, 1923, and the Act shall continue in force until the 31st day of August, 1924, and shall then expire. I now beg to move that the Bill be read a second time.

**The PRESIDENT:** I second the motion.

Question put: "That the County Courts (Amendment) Bill, 1923, be read a second time."

Agreed.

Committee Stage ordered for Tuesday, 16th October, 1923.

#### **LICENSING (RENEWAL OF LICENCES) BILL, 1923.— SECOND STAGE.**

**Mr. O'HIGGINS:** I beg to move that this Bill be read a second time. This Bill is also short and is necessary to get over certain technical difficulties arising out of the disturbances in recent years. It is not a comprehensive Licensing Bill, but a Bill confined simply to the question of the renewal of licences. In many areas through the country there were not available a sufficient number of Justices to deal with the question of the transfer of

[Mr. O'Higgins.]

licences, and the annual licensing sessions were not held. Owners of licensed premises continued to trade in spite of the fact that they did not hold a certificate of renewal of their licences, but they continued to pay the Excise duty. The police then, in these circumstances did not interfere with those who had done that, but the District Justices found that they could not legally renew these licences. As there was no licence renewal, the licences lapsed. It would have been legally possible for the owners of these premises to apply to the Quarter Sessions, but that would involve considerable expense upon them and the Court might possibly refuse the application. This Bill, then, is simply a Bill brought in to remove these hardships and provides that in such a set of circumstances the licence shall be deemed to have been renewed, and to be in existence up to the present.

There is one other point dealt with under Section 3 in the Bill. Certain premises throughout the country were burned down, both in the struggle with the British and in more recent times, and it is proposed to provide that an owner opening his business in adjacent premises, provided he pays the licence duty in respect of them, in such a situation the District Justice or the Quarter Sessions shall have power to grant him a licence in favour of the new premises. This difficulty is dealt with in the Bill, and the licence is deemed to be transferred to the new premises provided that they are in the same town or village as the old premises, and provided also that any necessary alterations to the new premises requiring to make them fit for the purpose, are made within twelve months. It is our view that there is scarcely material for contention or opposition to this Bill. It is simply a measure of justice, and raises no point on which there can be any serious contention. I now beg to move the second reading of the Bill.

**Mr. BEAMISH:** I second the motion.

Question put: "That Licensing (Renewal of Licences) Bill, 1923, be read a second time."

Agreed.

Committee stage ordered for Tuesday, 16th October, 1923.

### GOVERNOR-GENERAL'S ADDRESS (MOTION FOR A RESOLUTION OF THANKS).

Debate was resumed on the following motion: "That the Dáil returns thanks to the Governor-General for his Address and approves of the legislative programme of the Government as outlined therein" (Deputy Burke).

**Mr. JOHNSON:** There is one remark that one might make in opening this discussion, and that is that in drawing up the Address the Ministry apparently did not desire that this session should be behind the last in legislative output, and that the record of about one Act per week ought to be reached in this coming session. The Dáil will have no fear of unemployment if the proceedings suggested, and the Bills suggested in the Address are to be carried through and fully considered.

There are so many points that might be raised, and which I have no doubt will be dealt with by various Deputies, that I propose to confine myself mainly to one paragraph, prefacing that by expressing my regret that the reference to the possibility of the release of the prisoners shows so little confidence in the ability of the Government to bring about a state of peace as is suggested. "It is hoped that it may be found compatible with public security, gradually to release the majority of those persons at present detained for the public safety." "Gradually to release the majority," and there is still only three or four months to run before the extension of the present powers of detaining prisoners without trial will have expired. The suggestion that you may gradually release the majority carries with it the complementary suggestion that the minority have no right to expect or hope for release within the period dealt with in this Address. That, I think, is very unsatisfactory, indeed. I propose to leave Deputy Alfred Byrne to follow the discussion upon this matter, inasmuch as he has interested himself very heartily with the case of these internees. I intend to deal with the succeeding paragraph,

or the paragraph dealing with unemployment, and the general industrial economic condition of the country, and while one may express one's pleasure at the announcement that the Government is paying very, very close attention to this problem; that they are confident that stable conditions and enterprise will find many opportunities, one cannot but feel regretful that the Government is not taking the problem in hands as seriously as I think the problem warrants. We are told that developments are at present hampered by disagreements between employers and employees. Undoubtedly that is so, but it is to be regretted, and it is a great pity, indeed, that at the time when peace had more or less come upon the country, that employers should have insisted upon destroying the peace of the country by promoting these disagreements which have occurred and which have hampered developments, and that they should have insisted upon certain changes in the industrial arrangements as to impose these impediments in the development of the peaceful character and prosperity of the country. We know that it is commonly spoken and written that the men who are in disagreement with their employers or with the terms of their employment are to blame for not accepting the prices which the employers have offered. That runs through every speech, every advertisement, every leading article in all the newspapers, forgetful, as it seems to me, that the active agent in promoting these disagreements has been, not the men, but the employers. We do not blame the merchant or the manufacturer when he offers an article to a customer at a price, and the customer refuses to take it at that price, we do not blame the seller for the discomfort that is entailed by his refusal to sell at that price, but that is what is done in the case of the men and the employers. We are told it must be recognised that the condition of the times prohibits the maintenance of the inflation caused by the European war artificially prolonged by our domestic strife, and that high profits and high wages can no longer be sustained by a country whose economic life has agriculture as its basis and foundation.

I am glad to recognise in this sentence that the Government is impressed with the fact that the economic life of the country has agriculture as its basis and foundation. I am sorry to know that the assertion of high prices, high profits, and high wages does not include in this Address high interest charges, which were included in the items referred to by the President in the speech he made in the Dáil a week or two ago.

I hope there is no significance in the omission of that. We are told that a recognition of facts is of the first necessity if industrial friction is to be allayed. I am very anxious that the facts should be laid before the Dáil and before the country, so that they may be recognised as facts. It is not enough to produce a few figures, publish advertisements in newspapers, and treat them as facts, and the only facts. It is not enough only to take the immediately obvious facts and treat them as though they were the only facts. There are mountain ranges behind the hills that are immediately within our vision. There are things that we have experience of that are not the things that are only now coming into notice. You cannot form a right judgment on a question if you are only to consider those facts which are of immediate moment and which appear to be the only ones that are causing action to be taken. There are other facts. I submit that it is not only the facts of to-day that have to be taken into account; you must take into account the facts and the conditions of five years ago, ten years ago, fifteen years ago, twenty years ago. I want to ask the Dáil to bear with me when I put some of the facts that are not frequently dealt with for their consideration. If we are to be persuaded that high prices, high profits, and high wages cannot be sustained then I suggest that as many facts as can be gathered together ought to be made public and placed before the country and the Dáil. The case is made—it is even made in the statement made by the President a little while ago—that there must be reductions in wages. He is proposing to submit suggestions about a reduction in wages of 1/- per day, and consequent reductions to piece-workers and the like. I am not going

[Mr. Johnson.]

to prejudice that proposal in any way, but it seems to me unfortunate that the proposal should be to reduce wages by 1/- a day and then to set up this Court of Inquiry to deal with one particular class of employment.

We are told very clearly by those speaking on behalf of one of the Parties to these disagreements that costs of living have no relation to the prices in the market and ought not to be considered in fixing the rates of wages. I hope I am not overstating the proposition that was made a few days ago and assented to by Deputy Hewat with enthusiasm. But the point was made, to which he assented, that the price in the market, the price to be got for products, was a factor that ought to be taken into account in fixing wages, not the cost of living to the workman. I wonder will it be conceded to the workman that in that which he has to sell he has to take into account the cost of living. This whole question seems to me to require some kind of an assent to a proposition that human labour must not be treated in the same way, and by the same logic, the same arguments, as an ordinary marketable commodity. We have the very highest authority for disclaiming any such way of looking upon human labour. It must not be treated as a commodity in the market, to be bought and sold as ordinary marketable goods. If we are to proceed, as one would gather from the speeches, leading articles, advertisements and letters that we read, on the assumption that what are called "inexorable economic laws" are to prevail in dealing with the price of human labour, the wages paid to the men for their work, so-called laws which are only valid if we accept the proposition that the dominating factor in economic life is human greed and acquisitiveness—if we are to accept any other assumption than that then we have no right to consider the price of labour in the same category with any other commodities that are bought and sold in the market. I believe that we ought to have an understanding of our respective positions on that question. If we are to deal with these problems in that light as though human labour is to be considered as boots or pig-iron, supply and

demand determining the price to be paid for it, then we know where we are, and I suppose we have to fall back upon the usual methods of getting the most you can at the opportune time, taking advantage of any opportunity, whether buying or selling.

If that is to be the position, then, of course, the moral factor does not enter into it, and we are forced back upon the "dog fight," as somebody called it—the scramble in the attempt to hold what one has in any circumstances, except fear or hunger, no other considerations being taken into account. I wondered, when I read the reference to the necessity for deflation—presumably not referring to currency, but to high prices, high profits and high wages—I wondered whether the agriculturist would accept the proposition that high prices could not be sustained, and ought not to be. Is it to be accepted generally that the price of wheat or beef, or bacon or butter, ought to be brought down still further, and that the high prices of those products are bad for the country, because that is the proposition in this address? I have had my attention called to one firm's interest in the question of high profits, and I am going to ask the Dáil to listen to a few figures.

**AN LEAS-CHEANN COMHAIRLE**  
took the Chair at this stage.

**Mr. JOHNSON:** A factor of very considerable importance in this matter is the price of the produce of Guinness's brewery. I find that, for the years beginning 1918 and ending 1922/23—for those five years—the net profit of that firm amounted to £14,497,450—roughly, fourteen and a half millions—on an actual capital of two and a half millions. Of course, that is not the 5 o'clock. present nominal capital. It has been increased. It was doubled in 1908 by the capitalisation of reserves, and it has again been very greatly increased. But when one thinks of a net profit of fourteen and a half millions in five years out of the barley growers and consumers, one thinks there is need for a reduction in high profits.

I make bold to say that a reduction in the price of porter and stout would

have an effect much greater than a similar reduction in the case of any other commodity. In fact, I am rather dubious of the prophecies about reductions in retail prices as the result of any reasonable reduction in wages that might, by any means, be brought about. Our friends, the Cork employers, for instance, told us that the total wages paid by the grocery establishments in Cork averaged only eleven per cent. of the price. A reduction of ten per cent.—or, shall I say, twenty per cent.—in wages in those establishments could obviously only mean a reduction in retail prices of 5½d. per 20/-. From enquiry into the cost of flour-milling and bread-baking and selling, I find that, taking the wheat from the ship's side, the milling of the wheat, the carrying of the flour to the bakery, the baking of the bread, the wholesale distribution of the bread and the retail distribution of the bread—taking the whole process from the wheat at the ship to the bread at the consumer's house—the total of the wages expended, according to the figures provided by the employers, was twenty-seven per cent. of the retail price. I am giving these figures because I am rather hopeful that when we are asked to recognise the facts we shall be provided with the facts from all the various industries in which there are disagreements or where disagreements may be possible. A recognition of the facts is very, very important, and a disclosure of the facts is equally important.

I have, for instance, certain figures, which are not very recent, regarding an industry, but they will illustrate what I am trying to persuade those who may speak on behalf of employers to do for their industries. A certain inquiry was made by a very competent expert accountant and statistician some years ago—pre-war—as to the costings from beginning to end of a certain production, and the segregation of those costs to the various heads.

The result of that analysis was as follows:—£60,200 worth of wearing apparel was taken into account, and this particular class of wearing apparel was produced entirely in this country, except the seed from which the flax was grown. The flax was grown, pulled, retted, scutched, and put through vari-

ous processes and carried from one operation to another, and all the processes were analysed. Taking into consideration wages, salaries, rentals, interest and all the miscellaneous costs right to the preparation of the cloth into articles of apparel, the articles cost, retail, as I said, the sum of £60,200. An analysis of this kind is very important, and it is very important that analysis of this kind should be divulged. In this case the percentage allocated to wages paid to workmen right from the sowing of the seed to the handing over the counter of the finished article, was 36 per cent. of the retail price; salaries and commission, 17.5 per cent. of the retail price; rent 5 per cent. of the retail price, and interest charges 15.6 per cent. of the retail price.

I would like to invite the representatives of some of the other industries of the country to allow analysis of this kind to be made and published so that the facts that we are asked to recognise may be made available. We are told very often, and I think quite rightly and wisely, that we should look to Denmark for an example of how to carry through certain agricultural operations, or at least certain operations regarding the preparation and marketing and sale of agricultural produce. They have done extremely well. They have improved the country in a manner which is an example to the world, and it is important to bear in mind the conditions in Denmark, because of the very fact that it is Denmark which may be said to be the keenest competitor with the Saorstát in the chief market.

I think Deputy Hewat told us that the whole prosperity of the country lay in our export trade. Ireland, he said, could live only on its power to export produce, and he said they would have to get down to principles and recognise that an agricultural country exporting its produce could not live and pay a rate of wages in excess of that paid in competing countries. It is a country very like Ireland, inasmuch as its population is, to a very great preponderance, agricultural. It has a few towns just as Ireland has, and some industries; it has more industries, in fact, than Ireland has, of a productive

[Mr. Johnson.]

character. Nevertheless, it is perhaps as good an example for comparison as any other country that could be found, and it is more appropriate for a comparison because of the fact that so large a proportion of its agricultural produce is sold in the same market as our agricultural produce is sold.

What are the facts in regard to urban rates of wages in that country, which is the competing country, bear in mind? The Dublin Employers' Association published a table—perhaps I may be wrong in that. The table was published in the “Independent” a week or two ago, and it contained a comparison of the wages and hours of unskilled labour in Dublin, Northern Ireland and England. The table was forwarded to the “Independent” for publication. It may not be the Dublin Employers' Association which is responsible, but we will take it that the figures are fairly accurate. I have not got a close comparison of the various classes of employees in Denmark or Copenhagen with all those on this list, but I have some, and I think they are very important and worthy of consideration, especially in view of the statement made by Deputy Hewat regarding the impossibility of an agricultural country exporting its produce and paying a rate of wages in excess of those in competing countries.

The building trade is often held up as a flagrant example. Skilled workmen in Dublin in 1914 earned 38/-; there were some slightly more, but the general rate was about 38/-. Six months ago to-day their wages were 82/6. In Copenhagen, if we assume the same rate in 1914, and the rate of the increase to-day as compared with 1914, as against 82/6 to-day in Dublin you would have, for bricklayers, £5 3s. 7d.; the actual rate would be £5 5s. 7d., taking the current rate of exchange of a few months ago. The case of carpenters is not quite so strong to my argument, but whereas in 1914 carpenters received 38/- and now receive 82/6 in Dublin, the present rate for carpenters in Copenhagen is £4 10s. Let us deal with the labourers, which is the class of employee dealt with in this table. We have in the table engineers' wages for 1914, 20/-; that is, I take it,

engineers' labourers. In 1923 it is 53/-. The Copenhagen rate of wages paid six months' ago was 58/6. Builders' labourers in 1914 in Dublin were 20/10, to-day it is 55/-, while in Copenhagen it is 82/-.

Labourers in flour mills in 1914 were paid 18/-; in January, 1923, they were paid 57/-; in March, 1923, it was 54/6. The increase in Copenhagen, taking 18/- as the base, was to 54/6, which is practically identical with Dublin rates. The bakers' rate has risen from 34/- in 1914 to 94/- in 1923, in Dublin for skilled men. The equivalent rate in Copenhagen was 91/8, a slight advantage from the employers' point of view over Dublin. I have quoted this to show that notwithstanding all that has been said with regard to the rates of wages paid in Dublin, in the country which is quite acknowledged to be that which is in strongest competition with Ireland in its capital, the rates of wages are even higher on the whole than they are in Dublin, and the increase since 1914 has been higher than the increase over 1914 in Dublin. It is well, therefore, to bear in mind that there are other facts to be taken into account than those which are made much of in the newspapers. Those seem to be very striking to the uninitiated.

I have desired in dealing with this matter to-day and at other times that we should try to avoid, if we can, or rather we should try to get away from the proposition which has been generally accepted, or acted upon at any rate, that conditions in Ireland must be determined by the conditions in England, and that we have got to think in circumstances in this country as far as possible in a detached way. I see signs that there is a pretty widespread reaction growing against the very idea of nationality and that the movement towards national freedom is to be undermined by forcing people to consider economic affairs in the light of British conditions. Now I think that if we are to be carried away by that thought, then the last state of this country is to be worse than the first. There were certain advantages perhaps for urban interests at any rate, in thinking of this country's economic life as being part of the economic unit of Great Britain and Ireland, and we see



evidence of that reaction in the discussions that are centring round the Judiciary Bill, the salaries that are to be paid to Judges, and the necessity for keeping up certain standards. I am very strongly of opinion that standards have to be readjusted. There has to be a revaluation here, and I believe that if with the revaluation standard the adjustment of people's thoughts in regard to their relative positions were to be made, taken in conjunction with the proposition with which I started, that human labour must not be treated as a commodity in the market, then we can discuss the matter with some hope of finding a point of agreement. Without that preliminary acceptance I do not see where there can be any point of agreement, and I can only see in front of us a continuous turmoil with each side trying to take advantage of its immediate temporary advantage.

I take the view that the country is, as a matter of fact, top-heavy in the sense that there is altogether too large a proportion of the population engaged in non-productive services or engaged in no services at all. I believe it is quite wrong and quite unjust that urban conditions should be so modelled, or attempted to be modelled, on urban conditions in England, which is an industrialised country. I believe it is wrong that we should attempt to fashion our lines upon an industrialised country, or that the relations between urban and rural Ireland should be fashioned upon the relations between urban and rural England. I think it is wrong that the agricultural producer should be placed in a disadvantageous position, economically, from the urban producer. I believe also it would be right and proper for the community, urban and rural alike, to set itself the task of ensuring the agricultural producer against loss owing to causes over which he has no control. These things are done, and can be done, provided the burden is fairly evenly adjusted; but when we are compelled, as we are by the attitude of mind and the arguments that are used in favour of a reduction of wages, to conclude that it is only because of certain temporary disadvantages that the workman is under, or certain inabilities that the employer is under, inabilities to make a sufficient

rate of profit to keep things going, that when it is only these arguments are used in favour of any change in wages or in economic relations, then we are forced to conclude that we simply must make the best of our chance and resist change as long as we can resist a change. I submit that this whole question has been dealt with from the wrong angle. It would have been a much wiser proceeding if employers had set out to say: "We are prepared to maintain the present rate of wages and conditions, but give us greater effort and we will join with you in giving our minds and our hearts to the work of organising production and in improving output by one means or another, with better organisation and even better human effort." If the whole problem of economic disadvantage had been approached in that way, in my opinion it would have led to a very much better result, and with more of a chance of success and less risk and danger to the State. I said before that I have not been disabused of the fear that the future was dark enough—as dark as one could imagine a country of this kind could go through and as it has gone through—if we are simply to go ahead on the road that we have travelled in regard to economic relations. "The resources of the nation are limited and the needs of many of its members great," the Address states. "It is hoped with confidence that each citizen will take a full measure of the present burdens and expend a full measure of his or her energy or powers in bringing success to the efforts of the Government." I fear that the method of approach that the Government is bent on is not calculated to bring that desirable end. I would say that the facts that we are asked to recognise should be made known, that there should be an appeal to all sides to state fully and frankly and fearlessly everything they know about their business, about the prospects of their business, and of the risks that there are to the State and of the economic life of the community, and that the appeal should be made having divulged the facts and having made known the dangers, if there are dangers, and if these dangers can be proved with reasonable satisfaction. Then, I say the appeal should be

[Mr. Johnson.]

made for the co-operation asked for in this final paragraph of the Address. I do not believe that the support that was asked for is likely to come by any piece-meal attempts to settle the present disputes. We have been told too often in everything that has been said on the one side, perhaps also on the other side, that those who have taken the initiative in driving down wages supported their action by the argument that wages must come down because they say their business will not stand the present rates. We are told on the one hand that because costs of living have come down, men should be willing to accept lower wages, and on the other hand we are told that costs of living have nothing to do with it—that it is the cost of the article in the market which is the factor that determines and must determine the rates of wages. When the employers' side in these discussions takes two divergent views we are naturally led to the conclusion that, quite apart from the merits, the object is to get down wages at any cost, and with any argument and for any purpose. I ask for a presentation of the facts and I ask for the appointment of a court, such as is suggested, to deal not with one enquiry only, but to deal with all the trades that are in question. I believe if that proposition were acceded to and if matters were held in abeyance for a while until such courts could pronounce upon the position, the very fact of the enquiry pronouncing, without any question of compulsion, would be sufficient to satisfy all those engaged in the operations concerned. I believe further, and I suggest to the Dáil, that that being done, that there should be set up a Ministry or a Committee of a Ministry of Reconstruction and Development which would be composed, say, of a Minister as Chairman with two or three or four others to act with that Minister, such body having considerable powers to proceed with the necessary work of development and of restoration, or rather to proceed with the stimulation of that work. That Ministry should also have considerable powers, if it has not got them already, to deal with over-charging, or profiteering as it is called, where flagrant cases can be shown.

I am glad to hear that the Minister is moving in that direction and that it is proposed to use such powers as he has. As I said earlier, I am not quite so confident of the effect upon retail prices as the Minister seems to be and as the public is, but there are, no doubt, very many flagrant instances of over-charging, and still more instances of uneconomic methods of distribution. I feel that the conditions which we deplore—the unemployment of forty thousand people recorded, and one does not know how many more unrecorded—is not going to be met by the programme outlined in this paragraph. I would like to see the whole question dealt with very much more radically than seems to be suggested in this paragraph.

I hope my pessimism will prove to be unfounded. No one would be more delighted if that were so than I. I would like to see the basis of this hearty co-operation which is suggested laid by a full and complete disclosure of the financial needs of the country, the prospects before the country, the prospects before industry, the prospects before agriculture, and the prospects before the working men, if the evils which I fear do come into effect, and I am sorry that the paragraph in question does not give more promise of the improvement which I would like to see.

### DEBATE ADJOURNED.

**Major BRYAN COOPER:** I move that the debate on this Motion be adjourned until to-morrow.

**Mr. WOULFE:** I second the motion.

Question put and agreed to.

Debate adjourned accordingly.

### THE COURTS OF JUSTICE BILL (MOTION BY DEPUTY DARRELL FIGGIS).

**Mr. DARRELL FIGGIS:** I beg to move:—“That the Order committing ‘The Courts of Justice Bill’ to Committee of the whole Dáil be discharged, and that the Bill be committed to a Special Committee, consisting of twelve Deputies, to be nominated by the Committee of Selection; that the Special Committee so appointed be charged

specially to consider Part II of the Bill, dealing with the proposed institution of Circuit Courts; that the Committee have power to send for persons, papers, and records; that the quorum be eight, and that it report to the Dáil not later than the 19th of this month of October."

In moving this resolution, I wish to say——

**AN LEAS-CHEANN COMHAIRLE:**

I must rule this motion out of order, because according to Standing Order 38, "a motion to rescind or amend a Resolution can only be made on notice, that shall specify the Resolution to be rescinded or amended, and furnish the terms of the Motion to be made; but no motion shall be allowed to appear on the Order Paper to rescind any Resolution of the Dáil within six months of the date of its adoption, except with the written assent of not less than 25 members of the Dáil."

**Mr. DARRELL FIGGIS:** On that point of order I had the opportunity of discussing this matter early in the day with the Ceann Comhairle himself, and I would draw your attention to the fact that on two occasions Motions of this kind have been accepted by the Ceann Comhairle.

**AN CEANN COMHAIRLE** (at this stage) resumed the Chair.

**Mr. DARRELL FIGGIS:** I was relating to Leas-Cheann Comhairle the point I have already mentioned to you that the word "Resolution" in the Standing Order there, not merely by interpretation, but by previous practice, means some legislative Resolution, and not a Resolution applying to the business of this House. I was about to draw his attention to the fact that on two earlier occasions Resolutions of this kind were before the House, one in the name of Mr. Gavan Duffy, who was then a member of the Dáil, and the other in the name of Deputy Seán Milroy, one of which was defeated and the other accepted, but they were both allowed and this rule was not used against them.

It could quite clearly be interpreted that that rule would apply to a resolution of this kind, not a resolution

touching legislation, but a resolution definitely affecting the business of the Dáil. The point I am putting to you now is a point of ordinary fairness, because when my resolution was handed in ten days ago there would then have been an opportunity for me to have got the requisite number of signatures, or to have attempted to have got the requisite number of signatures, but when you drew my attention to this possible interpretation of this Standing Order in spite of the previous practice of the Dáil, it was then already after half past one to-day, and very little opportunity was given me to comply with the Standing Order, as you yourself very fairly and courteously acknowledged. I am, therefore, submitting, if this is to be the interpretation to be given to the Standing Order, that the interpretation should be given after to-day and not on this occasion, when obviously I could have no opportunity to have complied with the Order, inasmuch as my motion was handed in ten days ago and accepted by you, and put on the Orders of the Day, without drawing my attention to the fact that Article 38 would be likely to be interpreted now and in the future in a sense different from the interpretation placed upon it in the past.

**AN CEANN COMHAIRLE:** I do not think that we can be absolutely held to our previous practice in all matters, because obviously we were learning a great many things, and our practices and our decisions when we look back upon them enable us to see that possibly we may have made mistakes. It appears to me that in the case of Deputy Gavan Duffy, I allowed him to move a motion such as Deputy Figgis desires to move now. In the case of Deputy Milroy, Deputy Milroy was the promoter of the Bill in question, and I think a certain amount of latitude should be allowed to the promoters of a Bill in endeavouring to persuade the Dáil to adopt a procedure different from the procedure which had already been agreed upon. In this case, Deputy Figgis desires to alter the procedure which the promoters of the Bill desire to follow. It seems to me that unless there is a reasonable prospect of

[An Ceann Comhairle.]  
his succeeding the time of the Dáil should hardly be occupied with the discussion of such a motion. It was with that in view that Standing Order 38 was originally framed, so that a motion to rescind a decision already come to would have to have the support of 25 Deputies, indicating that it had fair support in the Dáil.

In this particular case I am prepared to agree to a decision of the Dáil in the matter, but I think it is only fair that a certain number of Deputies should support the idea of discussing this motion before we allow it to be discussed. I would be inclined to waive the matter of the twenty-five names in writing, and to say if 25 Deputies supported Deputy Figgis in his desire to have this matter discussed it may be discussed. It is merely a matter of preventing the Dáil being occupied with a debate which could have no useful conclusion. If we adopt as a practice that when we decide to consider a Bill in Committee of the whole Dáil, a Deputy can give notice to rescind that decision, it is obvious that two Deputies could occupy us for a considerable time on practically every Bill. It is in order to avoid such a contingency that I think some stop should be put to such procedure by insisting that the motion should have a certain amount of support before it could be discussed.

**Mr. DARRELL FIGGIS:** There were just two points, with your permission, sir, that I would like to put before you, and with your further permission I would like to put them in succession, because what you have to say on one will affect the other. My friend, Deputy Wilson, had drawn my attention to the fact that Standing Order 38, to which you referred, does not say that the matter shall not be discussed. Standing Order 38 does specifically say that it shall not appear on the Order Paper.

**AN CEANN COMHAIRLE:** *Peccavi.*

**Mr. DARRELL FIGGIS:** But it has appeared on the Order Paper.

**AN CEANN COMHAIRLE:** I am endeavouring to remedy my own de-

fects. Standing Order No. 80 specifies that "a Bill which has passed its second reading shall, by motion made without notice of debate, be referred to the Dáil sitting in Committee, or to a special Committee for detailed consideration." The Bill was referred to the Dáil sitting in Committee. Deputy Figgis I think was present and he did not raise this point then.

**Mr. DARRELL FIGGIS:** I bow always to your ruling, and in this matter I sympathise with your desire to preserve order, and with the impartiality of your decision. The only point I would like to put to you, and I appeal therefore to your impartiality, is that I have spoken to one or two Deputies since you drew my attention to Standing Order No. 38, and their reply was that they presumed that I would be setting forward the reasons behind this resolution in moving the resolution. Within a matter of a few moments, without the reasons having been stated and made apparent by their statement, I suggest it would be hardly fair to call upon Deputies, without having heard reasons, either privately or in the Dáil, to express their consent before this resolution be proceeded with.

**AN CEANN COMHAIRLE:** I will endeavour to meet Deputy Figgis by asking those who are in favour of the motion being proceeded with to stand up. Would that meet his point?

**Mr. DARRELL FIGGIS:** It is in the knowledge of one or two members of the Dáil that my attention has been drawn to this within the last half hour, that if this resolution of mine were to be debated, discussed and carried, that the Courts of Justice Bill would not come back again, or could not come back again to the Dáil in Committee, and they desire it to be discussed by the Dáil in whole Committee.

**AN CEANN COMHAIRLE:** The report of a special Committee, if appointed, could be considered in Committee of the Dáil.

**Mr. DARRELL FIGGIS:** There are a number of Deputies who are not in the House at the moment and who, when they had that possibility referred to them, were willing to support this,

but without it they would not have been willing. Therefore, I say to put it in that form would not be very fair, in view of the fact that this motion appeared on the Order Papers.

**AN CEANN COMHAIRLE:** Would those Deputies who are in favour of this motion now coming before us stand up?

Mr. Darrell Figgis stood up.

**AN CEANN COMHAIRLE:** The motion has no support.

### THE COURTS OF JUSTICE BILL, 1923.—COMMITTEE.

Section 1 put and agreed to.

#### SECTION 2.

This Act shall come into operation on such day or days as may be fixed therefor by any order, or orders of the Executive Council, and different days may be fixed for the commencement of the Act for different purposes, provided that no such day be later than                      months after the passing of this Act.

**Mr. DUGGAN:** I move amendment No. 1: "In line 24, immediately after the word 'than,' to insert the word 'five.'" You will find that there is a blank in the print of the Bill for the period within which the Act is to become operative. It is suggested that five months would allow a reasonable time for the preliminary organisation of the Courts. That would be the maximum.

Amendment put and agreed to.

Question put: "That Section 2, as amended, stand part of the Bill."

Agreed.

Section 3 put and agreed to.

#### SECTION 4.

A High Court of Justice in Saorstát Éireann shall be constituted under this Act, consisting of not more than six judges (namely, a President and five ordinary judges), who shall be styled in their respective appointments "President" or "Judge" as the case may be "of the High Court of Justice of Saorstát Éireann."

**TOMAS O CONAILL:** I dtaobh an Ailt seo, ba mhaith liom a rádh go mba cheart an teideal a bheith i nGaedhilg agus teideal gach Breitheamh an agus gach Cúirt fósta. Mar tá sé fé láthair ins an mBille, ní fhuil teideal Gaedhealach ach ar aon Bhreitheamh amháin— an Priomh-Bhreitheamh. Mar gheall ar sin, molfainn do'n Uachtarán an Alt seo agus Alt a cúig a athrú agus teidil Gaedhealach a chur isteach in ionad na dteideal atá ann fé láthair. What I have said in regard to this Section would also apply to Section 5. It is only right, in my opinion, that Irish titles should be given to all the Judges in the Courts. It is within our knowledge that the title Dáil Éireann, is now not looked upon as a translation of anything. That is because it was adopted right from the beginning. We have a case in point in the Gárda Síothchána. We hear people talking about a force called the Civic Guard, which does not really exist. I suggest that if we put in here the Irish titles and use them right from the beginning, they will come to be known and to be used by everybody as a matter of course. I do not presume to suggest what the titles should be, but I would urge the President to refer the matter to some of the Irish scholars whom he has at his disposal here, and to look into the question as to whether or not Irish titles for all the Judges of the Courts should not be designed and used right from the beginning.

**FIONAN O LOINGSIGH:** Táim ar aon intinn leis an Teachta ar an gceist seo. Creidim go bhfuil Coiste ag obair fé láthair ag soerú na h-ainmneacha nGaodhalach. Sin é an fáth nach bhfuil na h-ainmneacha i nGaedhilg ins an mBille go fóill. Nuair a socróchar na h-ainmneacha cuirfear isteach iad.

**AN CEANN COMHAIRLE:** An bhfuilir sásta le sin?

**TOMAS O CONAILL:** Táim.

**Mr. DARRELL FIGGIS:** I would like to put one question, with regard to Section 4, that is more or less applicable to many other parts of this Bill. The Bill has been drafted upon the report of the Judicial Committee and, unfortunately, the drafting in connec-

[Mr. Darrell Figgis.]

tion with the Bill is so nearly like, in general essentials, the report itself, that fundamental matters that ought to be provided for are not provided for at all. I take this Section 4 as an instance of what prevails in many other parts of this Bill (Section 4 quoted). The moment this Act is passed the old Judges cease to exist, because there is no Court in respect of which they can continue to exist until all of them, or some of them, are transferred to the new Court that has been created. But it is equally true that all the other officers of the Court are dispensed with. This Clause

6 o'clock. creates a new Court and attaches to it six judges, but attaches to it no other officers whatever. Neither the Registrar nor any of the other permanent officers is provided for. Of course, it will be said that rules of procedure at some subsequent date will provide the officials, but between the enactment of this Act and the adoption of these rules of procedure, there will be no officers for these Courts whatever. That is a fact that, I think, Deputies here little suspect. I think I am correct in saying that this matter was drawn to the attention of the Ministry in the last Dáil by Deputy Fitzgibbon, who intended to have raised it very forcibly on this occasion. Not only will there be no officers, in the ordinary static meaning of the word, but no officers in the general sense in which solicitors are officers of the Court. No provision has been made for them.

**Captain REDMOND:** There is an amendment down in connection with that.

**Mr. DARRELL FIGGIS:** I am dealing with Section 4. Is there an amendment to that?

**Captain REDMOND:** We have an amendment which deals with solicitors remaining officers of the Court.

**Mr. DARRELL FIGGIS:** I am dealing with this particular Section, and I do suggest, in respect of Section 4, that when the new Court has been created and the Judges have been attached to the Court, all the officers of that Court should, at the same time

and in the same words, be created, in order that on the enactment of this Section the entire High Court shall come into being fully equipped not only in respect of Judges, but in respect of all the other officers, who are just as essential a part of the Court.

**The PRESIDENT:** I take it the Deputy has not read the whole of the amendments. If the Deputy had read the whole of the amendments he would have found provision for what he is addressing himself to the Dáil about. On page 13 of the amendments, Part 5, Miscellaneous Transitory Provisions, he will find this matter dealt with.

**Mr. DARRELL FIGGIS:** I am sorry. That is a new body of amendments. I had the old list of amendments in my hand and I had not read the new list.

Question put: "That Section 4 stand part of the Bill."

Agreed.

Question: "That Section 5 stand part of the Bill," put and agreed to.

#### SECTION 6.

"The President of the High Court shall be *ex-officio* a Judge of the Supreme Court, and the Chief Justice shall be *ex-officio* a Judge of the High Court."

**Mr. DUGGAN:** I beg to move: "In lines 21 and 23 to delete the word 'a' and to insert in lieu thereof in each line the words 'an additional'." The object of this amendment is to make it clear that the *ex-officio* Judges are in addition to and not included in the Judges mentioned in Sections 4 and 5.

Amendment put and agreed to.

Question: "That Section 6 as amended stand part of the Bill," put and agreed to.

#### SECTION 7.

"The Chief Justice may, from time to time, request any ordinary Judge or Judges of the High Court to sit or the hearing of any appeal in the Supreme Court, and any Judge so requested shall sit on the hearing of such appeal and be an additional Judge of the Supreme Court for such appeal."

**Professor MAGENNIS:** It may have

come under the notice of some Deputies that by an oversight I tabled an amendment which was, of course, out of order, dealing with the later section setting out the remuneration of those Judges. That was, to be more accurate, Section 14. The purpose I had in view in that amendment was not so much the fixation of a salary as bringing under notice a doctrine. It occurs to me that that doctrine could be brought under notice quite as effectually as a criticism of Section 7. We have here two orders of Judges of the higher jurisdiction. One of them is, in a sense, an inferior order to the other, and yet the onerous and highly special duties of the higher orders, to wit, those of the Supreme Court Judges, are to be discharged on occasions by Judges of the High Court, by Judges of the Court of first instance. There is to be a distinction between them in regard to salary and also to precedence, and yet it is contemplated that they may discharge the same duties under the same responsibilities. I would respectfully suggest that it would be a slight improvement of a very admirable measure if the Judges of the Supreme Court were kept apart and their duties reserved to the Judges of that special class. Two very different sets of endowment or human quality are called for in regard to these two orders. A Judge of the Court of first instance is largely dealing with juries, dealing with counsel who are arguing matters of fact as well as of law in the presence of juries. His knowledge of human nature enables him to appreciate by the demeanour of a witness under examination the credibility or otherwise of the testimony submitted, the power of handling counsel, and of discharging some of those duties, which you yourself, Sir, so excellently discharged—these call for a particular kind of training, and they are looked for in an advocate in the Courts. On the other hand, special aptitude and experience in the procedure of the Supreme Court are required to deal with more abstract things and with critical questions of law and the interpretation of law. The type of training and experience that fits a man for the position of a Supreme Court Judge is very special

and this interchangeability of the two seems to me to be somewhat of a blot on the Bill. A Judge of the Court of first instance might very well be a part of the constitution of the Court of Appeal, but that he should, under certain circumstances, officiate as a Judge of the Supreme Court seems to me to be highly undesirable. I would press that upon the attention of the Minister in charge of the Bill in the hope that the matter will be re-considered.

**The PRESIDENT:** The justification for this arrangement is that we cannot afford to set up a larger Court of Appeal. If it were possible it would have been desirable to get a Court of Appeal quite independent from what the Deputy calls the inferior Courts by having a larger number of ordinary Judges. This particular practice is not unknown in this country. It may not be at all necessary to resort to it, and I should say, from all the expressions of opinion which we have got on this Bill, there must be a plethora of useful material out of which it may be possible to man the Bench, and if it is well-manned in the inferior Courts the necessity for an appeal to the Superior Courts may not arise so often in the future.

Question: "That Sections 7, 8 and 9 stand part of the Bill," put and agreed to.

#### SECTION 10.

"The Judges of the High Court and the Supreme Court shall be addressed in the manner to be determined by the Rules to be made under this part of this Act and shall have, in all respects, save as in this Act is otherwise expressly provided, equal power, authority and jurisdiction, one with another."

**Professor MAGENNIS:** I move: "In line 47 to insert after the word 'addressed' the words 'officially by titles in Irish'." I have been anticipated by Deputy O'Connell to some extent in the idea and spirit of this amendment. My purpose was to draw attention incidentally to the letter addressed by the President to the Judicial Committee on whose report much of the present Bill

[Professor Magennis.]

was founded and, if you will permit me, I will read it.

“In the long struggle for the right to rule in our own country there has been no sphere of the administration lately ended which impressed itself on the minds of our people as a standing monument of alien government more than the system, the machinery, and the administration of law and justice, which supplanted in comparatively modern times the laws and institutions till then a part of the living national organism. The body of laws and the system of judicature so imposed upon this nation were English (not even British) in their seed. English in their growth, English in their vitality. Their ritual, their nomenclature, were only to be understood by the student of the history of the people of Southern Britain. A remarkable and characteristic product of the genius of that people, the manner of their administration prevented them from striking root in the fertile soil of this nation.”

Our determination was to keep Ireland Irish and, just as a beginning has been made in the Dáil and had already been made in the University by promoting, or attempting to promote, the general use of the ancient language of the country, it is desirable that in the law courts especially a beginning should be made to use the national language for business purposes. It will be in the recollection of Deputies that not very long ago one of the Courts refused an affidavit in Irish unless it were stamped again, and we had a debate on the subject in the Third Dáil.

I do not want to repeat what I said then, but I may briefly say that I drew a parallel between the situation here and what was the case of the Anglo-Saxon under the Norman settlement. All the respectable people during the Norman period used Norman French. It was the language of the higher clergy. Above all it was the language of the Law Courts. In that way the native speech of the people was supplanted. It is most desirable that in the education of the barrister and solicitor, Irish should be included, and as an inducement to that the purpose here was to set up the practice, a very small thing, of addressing Judges by Irish

titles in terms of respect of Irish character. On consideration of the amendment I feel satisfied that, inasmuch, both in the recommendation of the Judicial Committee, and further in the later section of the Bill setting out the constitution of the rule-making authority and the matters to be dealt with by the rule-making authority, there is provision taken which ought to be deemed sufficient provision for arranging under the form of rules and regulations the title and mode of address. Therefore, I would ask permission to withdraw this amendment inasmuch as it is unnecessary for no other purpose than the purpose of propaganda, the purpose for which I used it just now.

Amendment by leave withdrawn.

Question—“That Sections 10, 11 and 12 stand part of the Bill”—put and agreed to.

**Mr. CONNOR HOGAN:** With the permission of the Dáil, I wish to withdraw the new Sub-Section to be inserted after Section 12. I find there is an article, 68 of the Constitution, whereby the safeguard I sought to embody has already been provided. The amendment is, under the circumstances, superfluous.

Amendment not moved.

### SECTION 13.

The declaration to be taken by every judge of the High Court and the Supreme Court on appointment shall be as follows:—

I, \_\_\_\_\_, do solemnly and sincerely promise and declare that I will duly and faithfully and to the best of my skill and power execute the office of President (*or Judge as the case may be*) of the High Court of Justice of Saorstát Eireann (*or Chief Justice or Judge of the Supreme Court of Justice of Saorstát Eireann as the case may be*).

Such declaration shall be made and subscribed by the Chief Justice in the presence of the President of the Executive Council, and by each of the other judges of the High Court and the Supreme Court in the presence of the Chief Justice.



**Professor MAGENNIS:** I beg to move to delete the section and to substitute therefor:—

“ Every Judge of the High Court and of the Supreme Court shall on appointment be duly sworn in manner to be determined in manner appointed by Rules to be made under this part of this Act.”

I may seem, by the repetition of this amendment through the three parts of the Bill, to be particularly bent upon the administration of an oath. My objection—I should put it in this way—is rather to the precise form of declaration, inserted in the Bill. I want something which will mark the solemnity of the appointment of a Judge, and in that way shall be indicative of the high responsibility attaching to the office, something to impress the popular imagination with the character of the Court as the administrative instrument of law and in fact as the protection of whatever of civilisation we can achieve. With all respect I submit that this declaration savours rather of the kind of formula which anyone appointed to a minor office might repeat—his undertaking to do his best while in office and that at the end of the term it shall not be a reproach against him that he did not do his best. I shall be told, no doubt, that the whole trend in recent years is against the taking of an oath on the assumption of public offices. That is a fact, I know, but it is precisely because it is a fact that I wish to resist the tendency in so far as regards Ireland at any rate. In England the so-called education that prevails there has been productive of an attitude of mind which is now politely called agnosticism. People have thrown over religious beliefs, and politeness requires that those who still cling to religion in some form or another should speak as if they had none. If we are casting away English traditions in other respects why should we go out of our way to adopt them now? We are doing away with the old Courts and old procedure. Is it not more in consonance with the tradition of our own past that God and His government of the world should be recognised on solemn occasions such as are dealt with here? No doubt men will take an oath

intending to interpret it according to their own peculiar fashion. There is no binding declaration that could be framed that would have a coercive force over those who are unconscionable. On the other hand it will have a binding force. It will have even a useful force inasmuch as those who listen to the judgment of a Judge will remember that he has solemnly called upon God to witness that he administers the law of the land without fear, favour or affection between all the citizens, and they will recognise at any rate in some measure that he is there not as the mere private individual they know him outside the precincts of the Court, but officially clothed with more than ordinary office and discharging in the name of the State one of its highest functions as a sacred trust. It is as part of the ritual and impressiveness on the part of public imagination that I contend for this and not because I conceive that any Judge who would be disposed to abuse his high office would be restrained by the fact of having an oath of a different form administered to him.

**The PRESIDENT:** I will undertake to reconsider this matter to see how far it is possible to meet the point raised by the Deputy on the next stage.

**Professor MAGENNIS:** I am satisfied.

Amendment withdrawn.

Question: “ That Section 13 stand part of the Bill,” put and agreed to.

#### SECTION 14.

The remuneration of the judges of the High Court and of the Supreme Court shall be as follows:—

The President of the High Court shall receive £3,000 per annum, and each ordinary judge thereof £2,500 per annum, and the Chief Justice shall receive £4,000 per annum, and each judge of the Supreme Court £3,000 per annum.

Amendment by **Mr. BEAMISH:**

In line 23, at the end of the Section, to add the following words:—

“ Provided that where under the provisions of Section 17, a Judge of

the Superior Court of Judicature in Ireland is appointed a Judge of the High Court or of the Supreme Court, the person so appointed shall receive a salary not less than his existing salary and his appointment as a Judge of the High Court or the Supreme Court shall not prejudice any right of retirement or pension on retirement which such person would have enjoyed if he had not been so appointed."

**Mr. BEAMISH:** In view of an assurance which I have received from the Attorney-General, I beg to withdraw this amendment.

Amendment not moved.

**Captain REDMOND:** On Section 14 I would like to say, in conjunction with my friend, Deputy Magennis, that I had an amendment down which was distinctly out of order but which, at any rate, showed how we stood in regard to the proposed salaries of these Judges. What I would like the Committee to understand is that my view was not so much that these salaries should be increased, but rather that the practice adopted elsewhere should be put into operation here, and that is that all Judges should be placed on an equal footing with the exception, perhaps, of the President of the High Court and the Chief Justice of the Supreme Court. That is a practice in operation in England to-day. It works very well there, and we have just passed Section 7, which renders it possible for the Chief Justice to obtain the assistance of the Judges of the High Court. Therefore, they are to that extent interchangeable, and I think that it would be advantageous to the State if it could be possible to have all Judges placed upon an equal footing, with the exceptions that I have mentioned, and I would ask the Government to take this suggestion into their consideration.

**The PRESIDENT:** I do not know whether the Deputy has seen the Report of the Judiciary Committee. There were two or three Judges on it, and one of them an ex-Lord Chancellor, and the Bill contains their recommendations. On page 23 the Report

states that the salaries of the members of the Supreme Court be as follows:—The President, £4,000, and each Judge £3,000 per year. On the previous page the salary for the President of the High Court was £3,000, and of the other members of the High Court £2,500. On this Committee there was certainly a large majority of the legal profession, and ordinarily one would expect that they would make recommendations which, in their opinion, were fair recommendations. We know that Judges are paid much higher salaries in England than here, but this is certainly a country which cannot compete, I think, even in such an important profession as the legal profession, with the salaries paid in England, and I should say that I think, on examination, it will be found that in other countries they are not so well paid as in England. It is a time for economy. We have very large sums to meet under Article 10 of the Treaty, and even if the sums were inadequate—and our advice is that they are not; that they are fair—we are certainly approaching a period in the history of our country when economy must be practised, and I think that the Deputy ought not to press his recommendation in this case. Generally speaking, these salaries compare favourably with the salaries that were paid before, and having regard to all the circumstances, I do not know that there would be any justification for the Government to recommend to the Dáil higher salaries than the Committee recommended, so that I am afraid I cannot undertake to give favourable consideration to the recommendation made by the Deputy.

**Major COOPER:** The President has not quite met the case that Deputy Redmond put in one respect. I am absolutely certain that the Government wishes to do what is fair to the Judges, but he has not met the case. We think that they should get equal pay for equal work. Certainly I do not wish to increase the salaries of the Judges of the High Court, and I would rather reduce the salaries of the Judges of the Supreme Court, but as long as there is the possibility of promotion for a Judge that Judge to a certain extent loses his independence, and for an ex-

tra £500 a year a man might be inclined to become what people might think to be unduly subservient to the people who have it in their power to promote him to an extra £500 a year. That is why I should like to see all the Judges placed on the same level. I think the principle of giving Judges employed on similar work a similar rate of pay is a sound one on the whole, and I wish the President would consider whether something could not be done on the Report Stage or in another place.

**Mr. DARRELL FIGGIS:** Deputy Cooper has stated what I was about to state, that the President has entirely misconceived Deputy Redmond's point. I only wish to add that there should be nothing that would induce the question of promotion from the High Court to the Supreme Court being considered except on the one question only, the fitness of the Judge for that other kind of work, and no question of promotion with regard to salary. I think it is a principle that has been generally adopted in the other countries to which the President has appealed, that Judges ought to be paid on an equal basis. It does not necessarily mean any extra expenditure. It might mean a reduction in the expenses, but it does enforce a very salutary and very wise principle.

**Mr. HEWAT:** In considering this matter the Committee gave very great consideration to the question of the Judges' salaries. The point that has been raised that they should be all equal would, I think, be wrong, because the different Courts are on a different level, and must be so in the ordinary administration of justice. The amounts put down as salaries are not as high as in Great Britain, but I think that that principle, and the President's remarks on that, apply a great deal more widely than in this case. In our Free State we cannot aim to give any men the enormous salaries they get on the other side of the water.

**Captain REDMOND:** It was never suggested.

**Mr. HEWAT:** I thought it was in your amendment that was withdrawn.

I would like to say that I think the body of the people will recognise that the status of the Judges, as defined in the Bill before us, is safeguarded, that the salaries attaching to the positions are adequate, all things considered, and that the Circuit Judge promoted to the Supreme Court would naturally look for additional emoluments in connection with his higher status.

**Captain REDMOND:** Perhaps I may be permitted to explain that I never suggested for a moment that Irish Judges should be paid a salary equal to that of English Judges. What I was suggesting was that the system which was in force there, namely, that all Judges, with the exception of the three I mentioned in England—and it may be two in Ireland—should be placed on an equal salary, and on an equal footing. All Judges in England are paid £5,000 *per annum*, with the exceptions I have mentioned. I have never suggested and would not dream of suggesting that any Judge in Ireland would be paid that sum.

**The PRESIDENT:** I do not understand Deputy Cooper's and Deputy Figgis's criticism of my statement. This Bill represents as nearly as it is possible to represent the opinions presented to us by the Committee asked by us to advise us on this matter. These recommendations are their recommendations, and if Deputy Figgis has any misgivings about it, if he looks up page 23 on the constitution of the Court, he will find that one or more Judges, on the invitation of the President of the Supreme Court, may act in the Court of Appeal, and immediately underneath that the two salaries are mentioned, and on the preceding page £2,500 a year. If that has not a bearing on the question raised I do not know what would have.

Surely we are not going to start on such business as this on the principle and on the general line of argument that because a certain recommendation has been made in a certain way by the Judiciary Committee, that, therefore, we as a legislature are rendered helpless in face of that suggestion. We retain, surely, our rights here as a legislature. I know from members of the Committee that it is not their de-

[The President.]

sire that they should be used, or that their report should be used, here in any way as a cudgel. The principle is not the question of the size of the salaries, whether they be large or small. The principle that has been stated is the principle that has been adopted as a result of experience in other countries, and that principle is that all Judges in the Central Courts of the State should be placed upon an equal level. If the President states that the country cannot afford high salaries, very well, let the Supreme Court Judges be reduced to the rate of the High Court Judges, but at least keep them on the same basis.

**Mr. GOREY:** If the Deputies who have spoken would suggest that the salaries should be £2,000 a year for all the Judges, I think they would have the support of the Deputies on these benches. It would be something definite, at all events, to go upon. I do think, though, that it makes for fair administration and that the Judges would be more independent of the Executive by putting them on the same level. I think that is the point that Deputy Redmond makes, and it would appeal to most people. I will not agree if they are going to be raised to the Supreme Court standing. I think the point put forward is a sound point, and would make the Courts of Justice more independent of any Executive that might be, and that they would not use their position to please the Executive in order to get promotion. That, I think, is the point made.

**Professor MAGENNIS:** The amendment was tabled at the special request of the representatives of the Bar Council of Ireland, and the case as presented by them to us who tabled the amendment, which was out of order by the way, was that through their experience of the past history of the Bar in Ireland there were men of this temperament, that so long as there was a salary higher than that of which they were in receipt their energies will be devoted by intrigue and by every variety of device that they could encompass to secure that high salary, and that that was not a healthy

spirit to develop in the future Bar. They pointed out that the representation that the money would come out of the taxpayers' pocket was a mistake, that a large part of these expenses are defrayed out of the litigant's pocket. There is scarcely a step that a man engaged in litigation can take in which he is not called on to disburse heavy fees, stamp duties, and what not, and it is from these well-springs of finance that the monies are procurable, and that, therefore, it is the interest of the litigant who has to pay through the nose for the law he receives to have the highest and best type of Judge that the money is able to secure. It is true that the Judges in Great Britain receive a uniform salary of £5,000 a year, and that is spoken of as if it had no influence on or no relation to our present problem, at the very moment when the cream of the Bar, or a large part of it at any rate, is migrating to the other side. From the very first moment that Irish independence was in the air distinguished members of the Bar began to get called to the English Bar, and have taken up residence there, and everyone has to admit that the attraction of higher emoluments, and of greater dignity held out within two and a half hours' steaming of where we stand, has an important effect, and will, in spite of patriotism, continue to have an important effect in diverting from the service of the Free State the better legal brain. Whether we like it or not that is a fact we have to face. Are we going to retain in the service of Ireland the best legal minds and training and experience? I have no doubt we shall be told this represents something like the average of the highest incomes at the Bar in Dublin. It possibly does, but let us remember that in the past, and more particularly in England, men in receipt of huge incomes at the Bar did not take judge-ships until they were considerably advanced in years, until their medical adviser had told them they could no longer endure the strain of the work that was necessitated for the earning of these incomes, and that the medical practitioner would not be responsible for their health unless they went on the Bench. Then you had the spectacle of very ancient lawgivers, on the

Bench, with criticism in the Press and Parliament with regard to their mental incapacity.

Again I say, let us not follow British traditions in these things, but let us try to get younger judges from the beginning, men who are in the prime of life, and who are able to give their best. With a view to that, which I think is a laudable object, we should have the remuneration of the High Court Judges something which has a real relation to the amount of income that it is within the competence of such men to earn. There is another thing, too, which will arise later on, by which this matter can be prejudiced, to wit—the relative position of the Circuit Court Judge and the Judge of the Higher Judicature Court. £2,500 for the High Court of first instance is, I suggest, at any rate as a venture, by way of a guess, arrived at, as Deputy Hewat himself almost told us, in order to have something for the Circuit Judge to move up to in his ascent by way of promotion. I shall have something to say, later on, with regard to the salary of the Circuit Judge, with a view to showing that it is not such as to secure the services of the men we wish to secure. You will not be able to take away from the practice of the Bar the man whom you would like to seduce from practice, and to put on your Bench.

Why not meet the equities of the situation by increasing their salary in the inferior courts? I use the word inferior, I would remind the President, in its technical sense in regard to the Court below. I am not disparaging it in any way. I think in many ways it is the more valuable court. You must have some distinction between them, and if £2,000 and allowances for expenses were an equitable salary for a Judge in the Circuit Court, then there is no reasonable relation between that and the £2,500 set down here. These are some of the considerations that weighed with members of the Bar. No doubt all this seems pleading for one profession. It looks like an attempt to raise the wages on behalf of a trades union.

**Mr. GOREY:** The oldest trade union.

**Professor MAGENNIS:** Yes. But on the other hand, remember that by a very natural propensity the member of the Bar is anxious to have an income comparable with that of his rival in medicine or in trade and commerce. There is the public advantage or utility to be considered also, and I have tried to impress upon the Dáil, as far as I could, that point of view. I do not care personally whether the remuneration of the Bar be high or low. It does not concern me as an individual. But, looking at it from the point of view of how it affects the State, I do suggest to you that personal ambition, personal striving, men's sense of their value ought to be taken into account when we are considering legislation with the idea of doing the best for the country. £2,500 for one set and £3,000 for another set, and yet the Judges who are to receive £2,500 are to be in their own sphere like the British Jack-Tar who is soldier and sailor, too. They are to be Judges of the Supreme Court and to officiate in the Courts of Appeal as well. Yet prudence and status are to be determined, and one of the factors must be salary. Therefore, for all purposes they are equal except for the purpose of remuneration. When it comes to be a question of the pay they are to receive they are inferior judges; when it comes to the question of the discharge of duty to the State, they are superior judges. That seems to me an anomaly.

Question put: "That Section 14 stand part of the Bill."

Agreed.

#### SECTION 15.

There shall be granted to each Judge of the High Court and the Supreme Court who retires after 15 years' service or upwards in the said Courts or either of them, or vacates his office owing to age or permanent infirmity, a pension to be continued during his life of two-thirds of his salary at the time he ceases to act as judge.

**Professor MAGENNIS:** I move:

"In line 25 to insert after the word 'retires' the word 'voluntarily' and to delete from the words 'or vacates' to the word 'infirmity,' lines 26 and 27, inclusive. And at

[Professor Magennis.]

the end of the section, line 29, to add the words 'any Judge, however, of the said Courts, or either of them, who by reason of age or permanent incapacity is obliged to vacate his office shall be granted a pension according to a scale to be determined by Rules to be made under this part of this Act, and sanctioned by the Minister of Finance'.

The first part of the amendment is a very small thing. It is a proposal to introduce the word "voluntarily" after the word "retires." The only reason for that is that a Judge who has retired is retired, but the Judge who has retired is not eligible for this Superannuation Allowance, and, therefore, for the sake of greater clearness and unmistakability, I suggest to make the reference to the Judge who voluntarily or spontaneously withdraws from office. It is not of great consequence, I must confess. But the second part of the amendment is one for which I do claim more value inasmuch as, unlike the contention of the Bar Council of which I made myself the mouthpiece in the last Section, this is an effort to save the public purse. It is obvious to anyone that a barrister might be elevated to the Bench and then within a few years, possibly within a few months, may develop an incurable disease. He might have paralysis or might suffer from dementia, or he might be incapacitated in some other way, and under this provision as it stands he would be eligible for a retiring allowance of two-thirds of his salary. Therefore, I propose that the retiring allowance in such cases should be calculated and should be determined upon some scale, and I suggest that that scale should be drawn up by the Rule-making authority. I do not know that the amendment is in the best possible form, but I recommend the idea of it at any rate to the acceptance of the Minister.

**The PRESIDENT:** The first part of it is certainly acceptable. The second part I would undertake to have considered on the next stage and see if it is possible to meet this by either adopting this amendment or putting up one on the same lines.

**Professor MAGENNIS:** Then I beg leave to withdraw it.

Amendment by leave withdrawn.

Question: "That Section 15 stand part of the Bill," put and agreed to.

## SECTION 16.

The remuneration and pension payable to every Judge of the High Court and of the Supreme Court under this Act shall be charged upon and be payable out of the Central Fund of Saorstát Eireann. Such remuneration and pension shall grow due from day to day, but shall be payable to the persons entitled thereto or to their executors or administrators on the usual quarterly days of payment or at such other periods in every year as the Minister for Finance may from time to time determine.

**Mr. DUGGAN:** I beg to move the following amendment:—

"In line 33, to insert immediately after the word 'Eireann' and before the full stop, the words 'or the growing produce thereof.'"

The effect of it is that the Judges' salaries and pensions will be paid out of the revenue of the Central Fund and not out of capital.

Amendment agreed to.

Section 16, as amended, put and agreed to.

Sections 17, 18, and 19 put and agreed to.

## SECTION 20.

There shall be transferred to the Chief Justice and exercisable by him all such jurisdiction in lunacy and minor matters as was lately exercised by the Lord Chancellor of Ireland and is at the passing of this Act exercised by the Lord Chief Justice of Ireland.

**Professor MAGENNIS:** I was proposing to insert, in line 2, after the words "minor matters," the words "and all other matters," but the point intended to be covered by my amendment is better dealt with in the amendment that follows, and consequently I withdraw my amendment in the interests of the other. It is not desirable

to transfer jurisdiction in general terms, and the later amendment transfers it specifically in detail.

Amendment, by leave. withdrawn.

**Capt. W. A. REDMOND:** I beg to move the addition to the Section of two new Sub-sections, as follows:—

(2) "There shall be transferred to the Chief Justice and exercisable by him all such jurisdiction in relation to solicitors as was lately exercised by the Lord Chancellor of Ireland and is at the passing of this Act exercised by the Lord Chief Justice of Ireland."

(3) "There shall be transferred to the Chief Justice and vested in him the appointment of Notaries Public and of Commissioners to administer Oaths of the High Court and Supreme Court."

I have been anticipated in this regard by Deputy Figgis, but I think I have also been followed by Deputy Duggan, and if Deputy Duggan can assure me that Part 5 covers this amendment of mine, I shall have much pleasure in withdrawing it. In Part 5 other officers are mentioned. These two new Sub-sections are only transferring jurisdiction in relation to solicitors from the present authorities to their future substitutes, and also in regard to number 3 it is transferring the appointment of public notaries and commissioners to administer oaths from the present authorities to the future substitutes.

**The PRESIDENT:** In the last Dáil I think Deputy Fitzgibbon raised this matter. We will accept these two new Sub-sections.

Amendment put and agreed to.

Section 20, as amended, put and agreed to.

## SECTION 21.

From and after the commencement of this Act the several jurisdictions which by this Act are transferred to the High Court, and the Supreme Court, and the Chief Justice, shall cease to be exercised except by the High Court and the Supreme Court

and the Chief Justice respectively. Provided that in all proceedings which shall have been fully heard but in which judgment shall not have been given, or having been given shall not have been perfected at the time appointed for the commencement of this Act, such judgment may be given and perfected respectively after the commencement of this Act, in the name of the same Court and of the same judges and officers and generally in the same manner as if this Act had not passed; and such judgment shall take effect as if it had been duly perfected before the commencement of this Act, and every order of any court or judge whose jurisdiction is hereby transferred to the High Court or to the Supreme Court or to the Chief Justice (which order shall have been duly perfected at any time before the commencement of this Act) may be executed and enforced, and, if necessary, amended or discharged by the High Court and the Supreme Court and the Chief Justice respectively, in the same manner as if it had been an order of the High Court or of the Supreme Court or of the Chief Justice and all proceedings whether civil or criminal which shall be pending in the Courts, whose jurisdiction is so transferred as aforesaid, at the commencement of this Act shall be continued as follows:—(that is to say) in case of proceedings on appeal pending in the existing Court of Appeal, the same shall be continued before the Supreme Court, and in case of all other proceedings (save proceedings in lunacy and in minor matters) the same shall be continued before the High Court, and in case of all proceedings in lunacy and in minor matters the same shall be continued before the Chief Justice. The said Courts and the Chief Justice respectively shall have the same jurisdiction in relation to all such proceedings as if such proceedings had been commenced before them respectively and continued before them respectively down to the point at which the transfer takes place, and so far as relates to the manner of procedure such proceedings or any of them may be continued either in

the same or the like manner as they would have been continued, in the respective courts from which they shall have been transferred, as aforesaid, or according to the course of the respective courts to which they shall be transferred, so far as the same be applicable thereto.

**Capt. REDMOND:** I am moving to insert the following new Sub-section before Section 21:—

“ All existing solicitors of the Supreme Court and all existing Commissioners to administer Oaths shall be transferred to and become Solicitors and Commissioners respectively of the High Court and of the Supreme Court.”

I think that has been dealt with by the new amendment.

**Mr. DARRELL FIGGIS:** I do not think that would come under Part 5.

**The PRESIDENT:** No, but it is acceptable. Deputy Fitzgibbon raised that point.

Amendment put and agreed to.

Section 21, as amended, put and agreed to.

## SECTION 22.

The jurisdiction vested in and transferred to the High Court and the Supreme Court and the Chief Justice respectively shall be exercised so far as regards procedure and practice generally, including liability as to costs, in the manner provided by such rules of Court as may be made pursuant to this Part of this Act, and where no provision is contained in any such rules of Court and as long as there shall be no rule with reference thereto, it shall be exercised as nearly as possible in the same manner in which it might have been exercised by the respective Courts from which such jurisdiction shall have been transferred, by this Act.

**Capt. REDMOND:** I wish to move the insertion of the following new Section before Section 22:—

“ If in any case not expressly provided for by this Act a liability to any duty or any authority or power

not incident to the administration of Justice in any Court whose jurisdiction is transferred by this Act to the High Court or to the Supreme Court respectively shall have been imposed or conferred by any Statute, law or custom upon the Judges or any Judge of any such Courts, every Judge of the High Court or of the Supreme Court as the case may be except where otherwise expressly directed by this Act shall be capable of performing and exercising and shall be liable to perform and exercise every such duty, authority and power in the same manner as if this Act had not passed and as if he had been duly appointed the successor of a Judge liable to perform such duty or possessing such authority or power before the passing of this Act. Any such duty, authority or power imposed or conferred by any Statute law or custom in any such case as aforesaid upon the Lord Chancellor, the Lord Chief Justice of Ireland or the Master of the Rolls shall be performed and exercised by the Chief Justice.”

The members of the Committee may think that this is a very formidable Section, but in reality it amounts to very little. Words, they say, sometimes are given to us to conceal our thoughts, but in this case the thought is a very simple one. This Section is really only a continuing Section. It proposes to continue certain powers that are already conferred by former enactments on holders of high judicial office, such as the present Lord Chief Justice and the present Master of the Rolls, and to continue those powers to their successors. The present Master of the Rolls, for instance, is ex-officio head of the Charity Commissioners and I should think it would be most desirable that his successors should occupy the same position. He is also Keeper of the Rolls. The Lord Chief Justice of Ireland is ex-officio the Governor of several public institutions. Among other positions he occupies is that of a visitor to Trinity College, and, I am reminded by Deputy Sir J. Craig, the College of Physicians. The new Section that I propose means merely that these powers which are



not exactly incident to the administration of justice in the various Courts should be transferred to the successors of these existing judges.

**Mr. HEWAT:** Is this a matter that really comes under this Bill at all?

**Capt. REDMOND:** I think it does come under this Bill, because in virtue of their present office the holders of these offices occupy the positions and have the power that I refer to. When the existing judgeships shall be abolished these positions shall be vacant, and I am only suggesting that their successors should be those in the same position.

**Mr. HEWAT:** I suggest that this is a matter for the institutions referred to by Deputy Redmond. If alterations are necessary they should be made by those institutions rather than that we should provide successors. I presume these offices were filled in an *ex-officio* capacity by resolution of these bodies, and they appointed the Lord Chief Justice or somebody else as *ex-officio* members, and the appointments were not made by the Dáil or its predecessor in any Act of Parliament.

**Sir JAMES CRAIG:** The arguments used by Deputy Hewat do not apply as far as some institutions are 7 o'clock. concerned, because under the Act of Parliament, in connection with Trinity College, and under the Act of Parliament in connection with the College of Physicians, these men are appointed *ex-officio*—the Lord Chief Justice and the Master of the Rolls. If disputes arise they have to go before these gentlemen, and also questions of finance, for instance, in the case of the College of Physicians, which deals with Sir Patrick Dun's estate. The accounts of this estate have to be submitted to these visitors of the College, who were appointed by Act of Parliament.

**Professor THRIFT:** I think the statements made are not quite accurate because the visitor to Trinity College is not appointed by Act of Parliament at all. He was appointed by King's Letter. I think the question raised by Deputy Redmond is a very important one and deserves more consideration

than we can give to it on this, the first time that the Bill has been before us. I would suggest that the point raised should be reserved for further consideration and taken, say, on the Report Stage.

**Mr. HEWAT:** I submit that what Deputy Sir James Craig has stated has confirmed rather than contradicted what I said. He states distinctly it was the Act of Parliament that Trinity College has got that confers this *ex-officio* position on the Judge. Now this is not a private Bill for Trinity College or otherwise. It is a Judiciary Bill, and I submit that the *ex-officio* appointments that are referred to have absolutely nothing to do with our Bill here, and that the proper way to approach that subject would be to get their Bills altered or amended if it is thought desirable.

**Major BRYAN COOPER:** I think if you were to accept Deputy Hewat's reading of this amendment you would have ruled it out of order in the first instance. If it has nothing to do with this Bill, therefore it should never have appeared on the Order Paper. It must be remembered that many of these institutions carry on charitable work, and are you, I ask, going to put them to the expense of coming here to get a special Act of the Dáil to do a certain thing when you can put in an omnibus clause in this Bill that would give them the same powers and save them all this expense?

**Captain REDMOND:** In reply to Deputy Hewat, I just wish to say that we are now abolishing these existing Judges, and one of the powers appertaining to the holding of the office of these judges was the exercise of these *ex-officio* powers and duties. Surely when we are abolishing the existing office it is only right that we should make some provision whereby their successors should be in precisely a similar position in regard to these most important institutions, as some of them are. Take, for instance, the Charitable Donations and Bequests. That is a most important institution, and I think it would be unfair for us not to place the new substituted judge in a similar position and to give that institution the

[Captain Redmond.]  
benefit of his experience and knowledge, just as it had the previous benefit of the existing judges.

**Professor MAGENNIS:** There is a consideration that I suggest has been overlooked in the argument of Deputies Redmond and Hewat. It is so long since some Deputies read the report of the Judiciary Committee that it is easy to understand that they have forgotten some of its details. The recommendation there, which is acted upon in the framing of the Bill, gets rid of separate jurisdictions of every sort in the sense of having no more Masters of the Rolls in Equity Jurisdiction, no Bankruptcy Judge sitting in a Bankruptcy Court, and all the rest. They are all, by a Section of this Bill, placed on an equal footing as Judges of first instance. In other words, the reform which was begun in the eighties in the English Courts has been carried out to the last letter. There was a time when there was a Court of Exchequer and a Lord Chief Baron of the Exchequer, and there was a Court of Common Pleas, the President of which had his own distinctive title. These things were abolished, and the Lord Chief Baron was known in a friendly jocular manner as "the last of the Barons." The title remained to him after the office had gone. In this present Bill the reform has been carried still further. The method of one Court, one Judge, if I may put it that way, is carried out thoroughly, and so if there were functions or duties attached to the Master of the Roll's position *ex-officio*, with the disappearance of that separate jurisdiction that ought to disappear, rather than be renewed in a Judiciary Bill on the assumption, which is not sustainable, that there will be someone among the Judges of the new Court who will occupy a position comparable with the office of the Master of the Rolls. With all respect, I submit that there is a mistake underlying the contention that there is anyone to continue in the office of Master of the Rolls, but there is one office that does persist—the one that was formerly known as the Lord Chancellor. The office persists, but the title is that of Chief Justice or Chief Judge

of all the Judges, and the jurisdiction which belonged to the Lord Chancellor, and which was recently transferred on the extinction of that office to the Lord Chief Justice, now passes by a special operation of this enactment to the equivalent office. That, so far as I can see from a study of the report prepared by the Judiciary Committee and of this Bill, is the only thing in this measure that is a continuation of anything in the nature of separate powers. I would suggest, with all respect, that this amendment, as Deputy Hewat has contended, is not germane to this measure.

**Mr. DARRELL FIGGIS:** The point made by Deputy Magennis is only correct in what may be described as the strictly judicial functions of the Judges concerned, and not in respect of the extra-judicial functions—functions attached, as it were, by passing. One of them that I am concerned with more particularly, and one of very great importance, and one that may prove of very great importance in the future—affects the records of this country, which ought to be published and are published under the authority of the Master of the Rolls, as he is at present known. That is strictly not a judicial capacity at all. His judicial capacity, I believe I am correct in stating, has grown out of the other functions he held originally. But the fact remains that whereas the exercise of his judicial capacity is merged in the new Court, this other function is not so merged, and should be merged and should be definitely attached either to the whole body or to certain persons of the whole body.

**Major COOPER:** On a point of order am I right in saying that on Wednesday evenings Government business stops at 7 o'clock, and I suggest that as it is after 7 now this business should be adjourned?

**AN LEAS-CHEANN COMHAIRLE:** That is so if private business was down on the paper, but as there is no other business on the agenda Government business proceeds until half-past eight.

**Major COOPER:** Standing Order 74 says: "The Order Paper shall be confined to questions and Ministerial

business on Tuesdays and Thursdays, during the entire sitting, on Wednesday until 7 o'clock p.m., and on Friday till 6 o'clock p.m. Motions or Bills, if any, moved by private Teachtaí, and appearing on the Order Paper, shall be taken during the remaining period of ordinary sittings on Wednesdays and Fridays: Provided that a Minister may move after Questions on any Wednesday or Friday, that, on that day, specified Ministerial business shall not be interrupted if under consideration at the time fixed for taking up motions or Bills to be moved by private Teachtaí. Such motions may be proposed without notice and shall be decided without amendment." I hope the President does not think that I want to obstruct the Bill, but I think that we have got into a tangle, and if I am right in suggesting to report progress that would enable him to find a way out of it, and tell us to-morrow what he is going to do.

**The PRESIDENT:** The usual practice when private members table business on Wednesdays or Fridays is to take it at 7 o'clock. Unless Government business is pressing we allow private business to go on on these days. Towards the end of last session we had to make an appeal for the whole time for Government business, but ordinarily private business will go on at the time indicated. I would say that this particular amendment appears to me to be very far-reaching in character, and I do not think I could recommend the Dáil to accept an amendment without seeing precisely where it is that we are going. If there are emoluments, duties and offices other than those we prescribe in this Bill, we ought to have them defined, and knowing what they are, see how best to distribute them if it is considered advisable to distribute them. If they are duties of an onerous character, taking up a considerable amount of time of a Judge, it might be well that they be re-distributed between three or four Judges, but I do not think that I could advise the Dáil to pass an amendment so sweeping in its character as this without much closer examination.

**Captain REDMOND:** Perhaps the President would consider it further, Vol. 5.

and I might again bring it up on Report stage.

**The PRESIDENT:** I will have some enquiries made into it.

**Professor THRIFT:** Perhaps in considering the matter, as other public bodies are involved, the President would consider the advisability of consulting these other bodies.

**Professor MAGENNIS:** Perhaps the President would also consider the fact that the title of the Bill is "The Courts of Justice Bill."

**The PRESIDENT:** Yes, it was my impression that this matter could not come in in any case.

**Professor O'SULLIVAN:** I think you would require a separate Bill to transfer the powers that are referred to by Deputy Sir James Craig.

**AN LEAS-CHEANN COMHAIRLE:** I take it the amendment is withdrawn. Amendment by leave withdrawn.

**Major COOPER:** Would the President consider my suggestion to report Progress? He has got a good many clauses, and we are coming now to the most important ones. I think that strictly under Standing Order 74, to which I have already referred, he is not in order in taking Government business after 7 o'clock.

**AN LEAS-CHEANN COMHAIRLE:** It was the usual practice when there was no private members' business down on the agenda to go on. Of course, it is open to the President to move to report Progress if he likes.

**Mr. DARRELL FIGGIS:** It is open to any Deputy to move to report Progress.

**Professor MAGENNIS:** Is it not clear that the rule referred to by Deputy Major Cooper is meant to deal with the situation where there is private business to be transacted, and where the Minister asks for the time of the Dáil for Ministerial business? That, I submit, has no application whatever in a case such as the present, where there is not on the Paper any private business whatever. I submit that in a case like this the business in

[Professor Magennis.]

progress continues automatically; there is nothing to stop it until we come to the ordinary hour for adjournment.

# **AN LEAS-CHEANN COMHAIRLE:**

This question was never raised before. The Dáil sits according to the Standing Order between the hours of three and half-past eight p.m., and I think it is quite in order for the business to proceed.

**Professor MAGENNIS:** I beg to move:—

To add at the end of the Section the words:—

“ Provided that nothing in this Act, nor in any rule made under its provisions, shall take away, or prejudice, the right of any party to an action to have questions of fact tried by a jury in such cases as he might heretofore of right have so required, nor upon any trial before a Jury to have the issues submitted and left to the jury before which the same shall come for trial with proper and complete direction by the judge upon the law and as to the evidence applicable to such issues; and provided that such right may be enforced by motion in the High Court, or by motion in the Supreme Court, in accordance with the practice at present existing in the respective Courts; and provided that subject to all existing enactments limiting, regulating, or affecting the costs payable in any action by reference to the amount recovered therein, the costs of every action, question, and issue tried by a jury shall follow the event, unless upon application made the Judge at the trial, or the Court, shall for special cause shown and stated in the Order, otherwise direct, and any order of a Judge as to such costs may be discharged or varied by the Supreme Court, and provided also that in all actions for Libel where the jury shall give damages under forty shillings, the plaintiff shall not be entitled to more costs than damages.”

This amendment contains two provisos, and those provisos are copied out of the Judicature Act. The first proviso is from Section 48 of the Judica-

ture (Ireland) Act. It is meant to preserve the right of any party to an action to have questions of fact tried by a jury. The second proviso was put into the Irish Judicature Act advisedly after the English Judicature Act had given to the Judge a discretion with regard to costs. It has been the practice in Ireland under a rule of the Benchers to make the costs follow the event in an issue tried by a jury. Inasmuch as these things are already provided for by Statute, to seek to introduce them into the present measure seems a work of supererogation, and quite unnecessary.

But it was in the mind of certain members of the Bar that under a decision given some time ago in England it might be possible for the rule-making authority to make a rule which would in effect supersede this provision of the Judicature Act, but a rule-making authority cannot supersede by a rule an enactment of the Act which confers the rule-making authority upon them. Consequently it was to make this provision of the Judicature Act stand firm against any assault that the provisos were borrowed and introduced here. In England—we will make England be the bad example for this purpose—it was not unknown, when a judge had taken offence with regard to the too independent demeanour or conduct of counsel, that though the jury found for the offending counsel the judge refused to give costs. Some of those who advocated this amendment were fearful that in coming years something of that kind might happen and they sought to preclude it. Personally, when I look at the composition of the rule-making authority, and when I find, moreover, that the rules made are to be submitted to this Dáil for criticism, and may be annulled in consequence of criticism, I think that the amendment is not at all necessary. However, as I tabled it on behalf, as I have said, of those who had this special interest in the matter, I am discharging my duty to them, who are in large part constituents of mine. So that in one sense I am putting their arguments before you as their mouthpiece, and in another way expressing an individual opinion that the case is already provided for and, therefore, unless Deputy Redmond

seeks to press the matter, I would withdraw it.

Amendment, by leave, withdrawn.

Question, "That Section 22 stand part of the Bill," put and agreed to.

Section 23 put and agreed to.

### SECTION 24.

In the trial of all civil cases before a judge and jury, a majority vote of nine of the twelve members of the jury shall be necessary and sufficient to determine the verdict. The judge shall so inform the jury, and the verdict of such nine members or upwards shall be taken and recorded as the verdict of the jury, without disclosure of the dissentients if any such there be.

**Professor MAGENNIS:** I beg to move: In line 2, to delete the words "of the twelve." This is a small point. The Section says: "In the trial of all civil cases before a judge and jury a majority vote of nine of the twelve members of the jury shall be necessary and sufficient to determine the verdict." The wording implies that there must be twelve. By consent in practice there may be only eleven, and it was to obviate that interpretation that this amendment was put down. Some formula of this tenor would meet the case: "In the trial of all civil cases before a judge and jury a majority vote in the proportion of nine to twelve," or something of a similar nature.

**Mr. JOHNSON:** The Deputy can hardly arrive at a proportion in the case of eleven jurymen.

**Professor MAGENNIS:** That is already dealt with in proportional representation. A fraction of a man counts as a whole man.

**The PRESIDENT:** I do not think I can accept this amendment. There are cases, I believe, in which agreement may be arrived at between the parties to the suit under which less than twelve jurors are taken, but I take it if that be the case that it would also be a matter of agreement between them as to what proportion should be taken. That, I suppose, would meet the Deputy's point.

Amendment, by leave, withdrawn.

Question, "That Section 24 stand part of the Bill," put and agreed to.

### SECTION 25.

When any action shall be pending in the High Court which might have been commenced in the Circuit Court, any party to such action may, at any time before service of notice of trial therein, apply to the High Court that the action be remitted or transferred to the Circuit Court, and thereupon, in case the Court shall consider that the action is fit to be heard in the High Court, it may retain such action therein, or if it shall not consider the action fit to be heard in the High Court it may remit or transfer such action to the Circuit Court in which the same might have been commenced, or to any Court that may appear suitable and convenient, upon such terms, in either case and subject to such conditions, as to costs or otherwise as may appear to be just.

Provided that the High Court shall have jurisdiction to remit or transfer any action, whatever may be the amount of the claim formally made therein, if the Court shall be of opinion that the action should not have been commenced in the High Court but in the Circuit Court or in the District Court if at all.

**Professor THRIFT:** I beg to move: In lines 12 and 14, to delete the word "heard," and to substitute therefor the word "prosecuted." This amendment is purely verbal.

**The PRESIDENT:** Yes, I accept that amendment.

Amendment put and agreed to.

**Professor MAGENNIS:** The next amendment is: In line 21, after the word "amount" to insert the words "subject, or nature." I withdraw this amendment inasmuch as the words "subject or nature" might be taken to be at variance with Section 56 later on, which excludes from the jurisdiction of the Court to which the case would be remitted a number of important things, for example the *habeas corpus quo warranto* and the rest.

Amendment by leave withdrawn.

**Professor MAGENNIS:** I move after line 24 to add a sub-section as follows:

“ When any action shall be pending in a Circuit Court, any party to such action may, at any time before service of notice of trial therein, apply to the High Court that the action be transferred to the High Court or to some other Circuit Court; and thereupon if the Court shall consider that the action is fit to be tried in the High Court, or owing to the special circumstances of the case ought to be transferred to such other Circuit Court, it may order such transfer upon such terms in either case, and subject to such conditions as to costs or otherwise as may appear to be just; and every action so transferred to the High Court shall proceed therein in the same way as if it had originally been instituted in the High Court subject to such rules as may be made regulating the utilization of the pleadings already provided for the Circuit Court; and in the event of an action being transferred to another Circuit Court the judge thereof shall have the same jurisdiction as if it had been commenced in his own court.”

Fortunately for the Dáil this amendment speaks for itself. As regards Part I. of the Bill, it deals properly with matters relating to the High Court jurisdiction, but this Sub-Section refers to cases pending in a Circuit Court, and empowers any party, before service of notice of trial, to apply to the High Court to have it transferred to the High Court or to some other Circuit Court. Now, in the place where more logically it might be introduced on page 6, in these amendments, Deputy Duggan has tabled an amendment covering the whole ground and some more perhaps. It is, therefore, practically unnecessary for me to move this amendment, inasmuch as the same matter will arise again on his amendment.

**The PRESIDENT:** I would undertake to have it examined in the meantime. The principle of it is acceptable. I am not sure if it is covered by the other amendment. We might have a little change in the wording.

**Mr. JOHNSON:** Before passing from this it strikes me that the effect of this amendment, or any alteration of it, would be to defeat one of the intentions of the Bill, and that is cheap litigation. If either of the parties apply to the High Court for transfer from the Circuit Court, it seems to me, and I am very innocent of those legal questions, that you are inviting the wealthier of the two parties to penalise the poorer by going from the Circuit Courts to the High Court. You thereby defeat, to that extent, the purpose of the Bill. You are rather encouraging the wealthier litigant, on either side, to defeat the purpose of the Bill by simply adding to the expense.

**The PRESIDENT:** That was not the intention in accepting the principle of the amendment. It was that a Court may think and decide that it is a proper case for transfer, and certainly not to benefit the wealthier litigant against another who is not wealthy.

**Professor MAGENNIS:** Besides Deputy Johnson overlooks that the applicant would have to give security for costs. If he lost his case he would be mulcted in the higher rate of costs, so that he must very carefully consider beforehand in which Court he will have the venue.

Amendment by leave withdrawn.

Question, “ That Section 25 as amended stand part of the Bill,” put and agreed to.

## SECTION 26.

An appeal shall lie from the High Court to the Supreme Court in all cases from the grant or refusal of any application to remit or transfer any action from the High Court to the Circuit Court, and from the exercise of the discretion of the High Court or any Judge thereof in the matter

**Professor MAGENNIS:** The next amendment reads:—In line 28, after the word “ Court ” to insert the words “ or from the Circuit Court to the High Court.” This was merely a drafting amendment. It was consequent on the acceptance of the other amendment, if it had been accepted,

and therefore goes out with the other. It is met later by Deputy Duggan's amendment.

Amendment by leave withdrawn.

Question, "That Section 26 stand part of the Bill," put and agreed to.

### SECTION 27.

From and after the commencement of this Act no indictment need be preferred to or found by a Grand Jury, and no Grand Jury shall be summoned to the Central Criminal Court or to any Court of the High Court Circuit for the consideration of indictments.

**Mr. DUGGAN:** I move: In line 34, after the word "indictments" to add the words "but every indictment shall be preferred directly to the jury which tries the accused."

Amendment put and agreed to.

Question, "That Section 27, as amended, stand part of the Bill," put and agreed to.

Section 28 put and agreed to.

### SECTION 29.

The determination by the Court of Criminal Appeal of any appeal or other matter which it has power to determine shall be final, and no appeal shall lie from that Court to the Supreme Court, unless the Attorney-General shall certify that the decision involves a point of law of exceptional public importance, and that it is desirable in the public interest that an appeal should be taken to the Supreme Court, in which case an appeal may be brought to the Supreme Court, the decision of which shall be final and conclusive.

**Professor THRIFT:** I move: To delete all words from "shall," at the end of line 48, to the word "which," at the end of line 54, inclusive. I think this is rather important in principle, but it does not require very much to explain it. The effect of the amendment would be to make the decision of the Court of Criminal Appeal final and conclusive, and prevent the possibility of a further appeal, provided the Attorney-General sanctioned it. I believe that is the practice adopted in certain other coun-

tries, particularly America, and that it has been found to be most disadvantageous. I suggest that we should not follow it. It would throw upon the prosecuting counsel the duty of saying whether a decision ought to be challenged further or not. Certainly it does not seem to me a thing to be recommended. I suggest, for the consideration of the Government, and the President in particular, that the decision of the Court of Criminal Appeal should be final and conclusive.

**Captain REDMOND:** I desire to support Deputy Thrift in this amendment, and in doing so I would like to remind the Committee that this is an entirely new departure, the establishment of a Court of Criminal Appeal. Having that Court of Criminal Appeal, I venture to suggest it should be final and decisive. According to this Section, it shall rest with the Attorney-General whether the appeal shall be taken from the Court of Criminal Appeal or not, and one is bound to realise that the Attorney-General is a party to every criminal proceeding. He is the law officer of the State and, without in any way disparaging the occupier of the office, whoever he may be, it must be recognised that he is a biased party and in some cases it is possible that the Attorney-General might feel hurt if he had not been successful in his prosecution and might desire to take it to a further Court. That is really only a small point, but the question whether there should be an appeal at all from this Court of Criminal Appeal is a very important point and should be very carefully considered by this Committee. What is the necessity to have two Courts of Appeal from a criminal conviction? At the present moment we have none. I gladly welcome the proposal to institute one. I think it is most proper and humane, but why not finish there with that one, and make it final and conclusive? It is true, I understand, in England and elsewhere, that there is an appeal, but, as in other matters we have been already appealed to to stand upon our own in these affairs, I suggest that our Court of Criminal Appeal should be the final and decisive Court to determine an appeal that has come from a previous conviction.

**Mr. HEWAT:** I would like to oppose the amendment. The clause as set out here leaves appeal to the Supreme Court, which will have to take an exceptionally high position in the new order of things. There is abolition of the appeal to the House of Lords and unless our Supreme Court takes up a very high position we will miss the decision of the House of Lords and the atmosphere surrounding such decision in the future. We all know that the law and the lawyer may define the law in a very technical sense, and will have some hesitation in going outside the law to do justice. The great strength of the appeal to the House of Lords in the past has been that you got out of the technicalities of the law and got broad justice. I think that is what is wanted here, and that is what I would hope our Supreme Court would fulfil in the future.

**Mr. DARRELL FIGGIS:** I suggest that a good part of what Deputy Hewat has stated hardly applies, because the House of Lords has no decision in respect of criminal appeals at all. There is one additional argument, and it affects what Deputy Hewat has said, and bears also on what Deputy Redmond has stated. Bias may not exist in the Attorney-General. I should hope that in very few cases would there be any question of bias existing in the Attorney-General, but, inasmuch as he would be a party to the proceedings if he gave his certificate so that the matter should be carried from that Court, which is already a Court of Appeal, to a higher Court, bias would unquestionably be imputed.

As to the point about the Supreme Court, if the Attorney-General were to give a certificate from the Court of Criminal Appeal to the Supreme Court, and the Supreme Court happened to support the Attorney-General in that specific instance, bias may also happen to be imputed to him and also to the Court. Generally, I think there is everything to be gained that there should be now a Court of Criminal Appeal in Ireland. Having created that Court let it be a final court, and let its judicial review be final, with no prospect of appeal further. Appeals upon appeals must necessarily be bad and injurious.

**Captain REDMOND:** Perhaps I might remind the Committee that my attitude in this is not at all favourable to my brethren at the Bar, because the more appeals there are the better it is for them. On the contrary, the attitude I adopted in this is to curtail and make final the decision of the Court of Appeal. It might be said that a higher appeal would lie to the Privy Council. That is a matter which would require consideration, but whether that further appeal did lie according to our Constitution or not I feel confident at any rate that the Privy Council, who are the final and only arbiters as to what shall be taken by them and what shall be heard by them, would never dream of accepting or of hearing a case on appeal from an Irish Court of Criminal Appeal, which had been made final and conclusive by this Dáil. Therefore, it is with that feeling of confidence in regard to any future action by the Privy Council that I ask you to approve of this amendment.

**The PRESIDENT:** I did propose to accept amendment 21. If we are giving let us give generously, and I would have the Supreme Court of Appeal the final tribunal before whom any person should have an opportunity of appearing if he thinks injustice has been done to him. That, I think, is fair, and the person is entitled to it. There is just the possibility that an attempt might be made to skip the Supreme Court if it were not there, and to go direct to the Privy Council. I do not think that is desirable. It will not make for confidence in the institutions we are putting up, and I do not think that the Deputy should press this particular case.

**Professor THRIFT:** I beg to withdraw my amendment.

Amendment, by leave, withdrawn.

**Mr. JOHNSON:** I move: "After the word 'unless,' line 50, to insert the words 'that count or.'" The statement made by the President that he is going to accept this amendment makes it unnecessary for me to say very much. The Clause provides that the certificate of the Attorney-General would justify an appeal to the Supreme Court. The point is raised that the



Attorney-General should not be the only decider as to whether the matter in question was of exceptional importance. The Judges of the Courts would be capable of deciding upon such a question just as well as the Attorney-General, and the Clause should allow, I submit, the Court to give such a certificate. As the President has declared his willingness to accept the amendment, I say no more.

Amendment agreed to.

Question, "That Section 29, as amended, stand part of the Bill," put and agreed to.

**The PRESIDENT:** I beg to move to report Progress, and ask leave to sit again to-morrow.

Motion agreed to.

### THE DAIL RESUMES.

Progress reported. Committee to sit again to-morrow.

**The PRESIDENT:** I move the adjournment until Thursday, 11th October, at 3 o'clock.

The Dáil adjourned at 7.40 p.m.

# DÁIL ÉIREANN.

DÉARDAOIN, 11ADH DEIRE  
FOGHMHAIR, 1923.

(Thursday, 11th October, 1923.)

Do chuaidh an Ceann Comhairle i  
gceannas ar a 3 a clog.

## CEISTEANNA—QUESTIONS.

### ORAL ANSWERS.

#### THE UNEMPLOYMENT DOLE.

**Mr. CONNOR HOGAN** asked the President what steps the Government has taken or contemplates taking in the near future to give effect to the policy outlined in his election programme of using the money required to pay the unemployment dole for useful constructive work.

**The PRESIDENT:** The discussions on the industrial position, to which I referred yesterday, have as one of their objects the securing of such stability as would justify the Government in putting forward a programme of constructive works. The Government has the main heads of such a programme already developed, but the extent to which it can be put into effect depends on whether the necessary accommodation is finally secured from all parties.

#### WORK OF SURVEY DEPARTMENT.

**AILFRID O BROIN** asked the Minister for Finance whether, owing to the doubts existing in engineering and other scientific circles as to the accuracy of the work performed by the Survey Department of the Saorstát, the Minister will appoint a Committee to investigate and report on the general management, administration, and working of the department.

**MINISTER for AGRICULTURE (Mr. Hogan):** I am answering this question as the work of the Survey Department at present comes within the Department of Agriculture. The

Ministry have received no evidence as to the alleged doubts in engineering and scientific circles as to the accuracy of the work performed by the Survey Department, but if specific evidence to this effect from authoritative sources is supplied the Ministry will be glad to have the matter fully investigated. Meantime, no facts have been brought under the notice of the Ministry which would justify the appointment of the suggested Committee.

#### A COOTEHILL COMPENSATION CLAIM.

**Mr. JOHN J. COLE** asked the Minister for Finance when he expects to settle the claim granted by the County Court Judge to Mr. T. Godfrey, Cootehill, for the sum of £200 and £17 costs.

**MINISTER for FINANCE (Mr. Blythe):** As the Decree referred to by the Deputy was not opposed by the Monaghan County Council it is subject to review by the Compensation (Ireland) Commission. No award has yet been notified by the Commission and the question of payment does not, therefore, arise.

**Mr. COLE:** Can nothing be done to expedite this matter, as the proprietor of a Cootehill garage is not in a position to be without his car?

**Mr. BLYTHE:** I do not know what could be done.

**Mr. A. BYRNE:** Is the Minister aware that such complaints spread all over the country, and all motor agents are in difficulties as the result of not being paid accounts due to them by the Government? Would the Minister take steps to speed up payments?

**Mr. BLYTHE:** I must ask for notice. There is nothing in this question to indicate that this was even a motor case. The question was put in such a vague form that there was great difficulty in tracing the case at all to-day.

#### CAVAN POSTAL FACILITIES.

**Mr. JOHN J. COLE** asked the Postmaster-General whether he can give any idea as to when postal arrange-

ments for the County Cavan will again assume normal conditions; whether he is aware that it frequently takes two days to get a letter from Dublin to either Cavan or Belturbet, which two years ago only required twelve hours; whether the first delivery of letters (except local) in either towns mentioned is not before 12 (noon), when formerly letters were delivered from the local offices at 7.30 a.m.; whether a similar state of affairs prevails in Ballyconnell district; to ask whether it is intended to restore to normal the times of despatch and delivery of letters in those districts.

**POSTMASTER-GENERAL (Mr. J. J. Walsh):** Letters posted in Dublin in time for inclusion in despatches thence by the 6.30 p.m. train fall into deliveries at Cavan, Belturbet, and Ballyconnell commencing at 7.0 a.m., 7.30 a.m., and 1.45 p.m., respectively, on the following day. If posted too late for despatch by that train they are forwarded by the 6.45 a.m. train on the following day and fall into deliveries commencing at Cavan at 12.30 p.m., and at Belturbet at 12.45 p.m. on that day. One delivery is the normal arrangement at Ballyconnell, and the time of delivery is dependent upon the train service. With the present train service an earlier delivery is not practicable. There are two despatches from Cavan and Belturbet and one from Ballyconnell on week-days, and this is the normal number. Despatches are made from these offices by the latest trains which afford connections to Dublin, etc.

**Mr. COLE:** Is the P. M. G. aware that previously the collection was made at 7 o'clock in the evening? At the present time letters are not delivered until two, and the collection is made at 4. This leaves little time for business-men to answer their letters. In other places the letters are delivered at about 3 o'clock in the afternoon, and collected at 12, so it takes a day to answer letters. Would it be convenient to collect the Cavan letters to get connections by the night goods trains as formerly?

**Mr. WALSH:** It is unusual for us to

utilise goods trains for the conveyance of mails, and I do not think any good purpose would be served by the utilisation of this particular one, because there are no connections to be made.

### RE-ARREST OF AN INTERNEE.

**TOMAS O CONAILL** asked the Minister for Defence whether he is aware that John C. Kenrick, National Teacher, Cahir, Co. Tipperary, was arrested in August, 1922, and detained until August, 1923, when he was unconditionally released; whether after a short time he was re-arrested and detained; to ask what are the reasons for his re-arrest and whether any charge has been or will be formulated against him; and whether, in view of the impaired condition of Mr. Kenrick's health, the question of his early release will be considered.

**MINISTER for DEFENCE (General Mulcahy):** Mr. Kenrick was arrested on the 16th October, 1922. He was "on the run" for some time prior to that date. In view of the suspension of hostilities, and as it appeared that his complicity in the Irregular campaign was not of a very serious nature, he was released on the 8th August last.

Since his release Mr. Kenrick openly encouraged the Irregular movement, and in consequence of statements made by him at a public meeting in Ballyporeen, on the 26th August last, he was re-arrested on the 13th September. In the interest of public safety, it is not intended at present to release him.

### TIRCONAILL FISHERIES.

**SEAN DE FAOITE:** I beg to ask the Minister for Fisheries the following question, of which I have given private notice:—Whether he is aware of the constant poaching inside the three-mile limit off the Tirconail coast line from Killybegs to Lough Foyle by English, French and Scotch trawlers; that as a result the inshore fishing grounds have been ruined, and the local long-line fishermen are unable to follow their calling; whether he proposes to take steps to ensure efficient and constant patrol of the coast line to protect these fishing grounds.

**MINISTER for FISHERIES (Mr. Fionan Lynch):** I have received complaints of British steam trawlers fishing off the Tirconaill coast in areas where that method of fishing is prohibited by By-Laws of the Irish Fishery Authority. I have had no reports of French trawlers fishing on that part of the coast, but French lobster boats have been there from time to time. The Tirconaill coast has been patrolled as frequently as possible by the Fishery cruiser (she spent some days on two occasions there during September) and assistance has been received from the coastal patrol vessels of the Ministry of Defence. I have, within the past week, entered into an arrangement with the Minister for Defence by which a certain number of patrol boats of that Ministry will be devoted entirely to fishery protection, and I propose to have a base for one of these vessels in Tirconaill, so that there may be a constant patrol of the Tirconaill coast. In all cases, whether detected by the Government's officers, or by local fishermen, in which evidence likely to secure a conviction is forthcoming, the Ministry of Fisheries is prepared to institute proceedings.

**Mr. JOHNSON:** Would the Minister say whether the various vessels engaged in these operations are fitted with wireless installations, and what is the speed of the "Helga," and how does it compare with that of vessels that are poaching?

**Mr. LYNCH:** I am not quite sure if the ordinary patrol boats are fitted with wireless. The speed of the "Helga" is some knots more than that of poaching vessels, and the speed of the patrols is also slightly greater.

**Mr. JOHNSON:** Has the "Helga" wireless?

**Mr. LYNCH:** Yes.

**Mr. DARRELL FIGGIS:** Would the Minister consider the bringing in of legislation for the making of fines such as would preclude such poaching? Is he aware it has been asserted by English trawler captains that they would be able to pay the price of a fine after two hours' successful trawling?

**Mr. WHITE:** Would the Minister consider the necessity of forfeiting the trawler on a second conviction?

**Mr. LYNCH:** We cannot do that legally now. We are contemplating legislation with regard to fisheries generally.

**Mr. WHITE:** I hope the Minister will not lose sight of my suggestion to forfeit the trawlers.

## WRITTEN REPLY.

### COMPENSATION CLAIM.

**TOMAS MAC EOIN** asked the Minister for Defence if and when it is proposed to pay compensation to Mr. N. H. Walsh, 17 Leinster Road, Rathmines, in respect of his being knocked down by a military Crossley car in August, 1922. (Q.T.O. 2/30/22 and B.T. 112/98/23.)

**General MULCAHY:** As neither the car nor its driver has been identified after prolonged enquiries even as being connected with the Army, it is not proposed to make any payment in respect of Mr. Walsh's claim in regard to which, in any case, my Department has no legal liability.

### ORDER OF BUSINESS.

**Major COOPER:** Before we proceed to public business, may I ask the President is he in a position to make a statement, such as he made yesterday, as to the hour at which the debate on the Governor-General's Address will be resumed? Does he propose to go on with the Courts of Justice Bill to-day? That would perhaps be more convenient and he could leave to-morrow for the debate on the Governor-General's Address.

**The PRESIDENT:** If that be the general view of the Dáil, I am agreeable. It was my intention to take up the debate on the Governor-General's speech at 5 o'clock, but if it is the desire of Deputies to postpone it until to-morrow we can do so.

**Major COOPER:** I think it would be more convenient to have it to-morrow.

**The PRESIDENT:** Very well. Might I ask the Dáil to consider a proposal that the two Bills, which were given a Second Reading yesterday, will also be taken to-morrow. They are formal Bills, and it is advisable in the case of one of them that it should be passed into law without delay. It was our intention not to meet next week in view of the many circumstances which I suppose it is not necessary to go into. At least two members of this Dáil will be absent next week, possibly for seven days. It would be advisable that some consideration should be given to the absence of important members of particular Parties whom public business calls elsewhere, and if the Dáil would facilitate us in the taking of those two Bills to-morrow it would, I think, avoid a meeting next week and would give us much more time to deal with matters of pressing importance which are rather difficult to settle while the Dáil is sitting.

**AN CEANN COMHAIRLE:** Does the President propose to adjourn for one week?

**The PRESIDENT:** Yes, for one week, but I will make a statement on the matter to-morrow.

**AN CEANN COMHAIRLE:** Does the President propose to finish the Courts of Justice Bill before the adjournment to-morrow?

**The PRESIDENT:** If possible.

**AN CEANN COMHAIRLE:** Then the arrangement would be to continue the Courts of Justice Bill in Committee for the whole of to-day's sitting to see what progress is made?

**The PRESIDENT:** Yes.

**AN CEANN COMHAIRLE:** That meets Deputy Cooper's point. Now with regard to the order for Committee for next Tuesday.

**Mr. O'HIGGINS:** I think the President has asked whether the Dáil would be prepared to take the Committee Stage of the two Bills read yesterday a second time. They are non-contentious. There would be an official amendment to one of them, which I could circulate this evening if the ar-

range is to take the Committee Stage to-morrow.

**AN CEANN COMHAIRLE:** Is that agreed?

Agreed.

## NATIONAL UNIVERSITY REPRESENTATION.

**Mr. McCARTHY:** I beg to move the following motion which stands in my name:—

“That the Ceann Comhairle direct the Clerk of the Dáil to issue his writ for the election of a member to fill the vacancy which has occurred in the membership of the present Dáil consequent on the resignation of Deputy Eoin MacNeill of his seat in the University Constituency of the National University of Ireland.”

**Mr. MacCABE:** I beg to second the motion.

Motion put and agreed to.

## THE COURTS OF JUSTICE BILL, 1923—THIRD STAGE (RESUMED).

Sections 29, 30, 31, 32, and 33, put and agreed to.

### SECTION 34.

The Court of Criminal Appeal shall have jurisdiction to affirm or to reverse the conviction in whole or in part, and to remit, or to reduce, or to increase the sentence, and generally to make such order, including any order as to costs as may be necessary for the purpose of doing justice in the case before the Court.

**Captain REDMOND:** I beg to move in line 26 to insert the words “or otherwise vary” after the word “increase.” I do not think this requires any explanation. It really means that the Court of Criminal Appeal shall have the full power to revise a sentence of the Court below it. I think that is only a reasonable thing for a Court of Appeal.

**The PRESIDENT:** I would be prepared to accept that amendment.

Amendment agreed to.

Question: "That Section 34, as amended, stand part of the Bill," put and agreed to.

Question: "That Section 35 stand part of the Bill," put and agreed to.

### SECTION 36.

The Minister for Home Affairs may at any time and from time to time after the passing and before or after the commencement of this Act, but with the concurrence of the Minister for Finance in respect of any matter affecting public revenue or expenditure make rules to be styled "Rules of Court" for carrying Part I. of this Act into effect (including the hearing of appeals from the Circuit Court and cases stated by the District Court) and may annul or alter the said rules and make new rules. In particular rules may be made for all or any of the following matters:—

- (vi) The mode of address to be adopted to the Judges and the robes and official dress to be worn by the Bench and the Bar.

**Captain REDMOND:** I move in page 10 sub-clause (VI.) at the end of line 10 to delete all words after the word "judges" to the end of the sub-clause. Now, this Section, which is a rather lengthy one, gives certain powers of rule-making to the Minister for Home Affairs, who may, with the concurrence of the Minister for Finance, and with the further concurrence of the majority of the Judges of the Supreme Court and the High Court, the President of the Incorporated Law Society of Ireland and two practising Barristers, make rules with regard to various items, among others being an item which is the mode of address to be adopted by the Judges and the robes and the official dress to be worn by the Bench and the Bar. I have put down an amendment to sub-section (6). My object in putting down this amendment is in no way to insure the continuance of the existing robes or costume now worn by the members of the Bench or the Bar. Rather, my object is that the determination of the future dress, if any, and I see there is also an amendment on that point,

should be at the discretion and in the hands of the Bench and the Bar alone. I really cannot understand what the Minister for Home Affairs has to say to what costume is worn by members of the Irish Bar. Neither can I see at first sight at any rate what the Minister for Finance has to do with the matter, except, perhaps, that he will give the members of the Bar the guarantee that as well as having the supervision and the decision of their costume, he also will make provision for that. There would be something then to be said for his interference in the matter, but, as far as I am aware, the costume worn by members of the legal professions in every country in the world is not controlled by outside bodies, but is at the entire discretion of the members of those professions themselves.

It may be put forward that members of the Bar are privileged to plead in public Courts, and that upon being granted that privilege by the State the State should have some say in the manner in which they robe themselves. As far as that goes, I am in agreement with the principle that both judges and members of the Bar should be decently clothed, but what I do say is this, that apart from that I claim, and I claim it in no trivial manner, the right for the Irish Bar, Bench and Barristers, to determine for themselves the costume that they should appear in. Take, for instance, a similar case. The National University, founded only a few years ago, and which you, sir, so ably represent, was founded by public statute; it is paid for by public money; it is controlled by the State, but there is no provision, as far as I am aware, whereby the State through the Minister for Home Affairs, the Minister for Finance, or any other of its Ministers, shall determine what form of mortar board shall be worn by a Professor of Philosophy, and what form of gown shall be worn by a Professor of Dialectics. No, the National University is entitled in that matter to self-determination, and I claim, therefore, on behalf of the Irish Bar, that they are in a similar position, and that it is rather casting a slur upon that learned profession to place in outside hands the future control of their legal costume.

I might even go so far as to say that when any of us pay our entrance fee at a football match, when we go to Croke Park to see a great football final, we pay our entrance fee and we pay our entertainment tax as well, so I am told.

**A DEPUTY:** You do not.

**Captain REDMOND:** We do not?

**A DEPUTY:** Not at Croke Park.

**Captain REDMOND:** Well, we do elsewhere. I believe, by the way, that we do at Trinity College, but not at the National University. So I am told. But, at any rate, we pay something, and we pay something towards the bringing about of the entertainment. We have no say—I do not know who has—as to whether Tipperary shall wear yellow, white and blue, and Cork shall wear orange and green, and I do not follow the line of argument that because the State pays for, and because members of the Bar exercise certain privileges allowed them, and granted to them by the State in addressing Courts of Justice, that the State, or any outside authority, should have anything to say to the mode of dress to be worn by that profession. I move this amendment.

**Mr. MAHONY:** Does not the latter part of that Section imply that the Judges and members of the Bar shall have a decision as to dress? I look upon this as a pure waste of time.

**Captain REDMOND:** I beg to point out that it implies nothing of the kind. It implies that it must be done in concurrence with the majority of the judges, and two practising Barristers; also the President of the Incorporated Law Society, but that—

**Mr. O'MAHONY:** Let the Deputy read it, and that will settle it.

**AN CEANN COMHAIRLE:** Order. The Deputy must be allowed to proceed.

**Captain REDMOND:** That does not get away from the fact that the Minister for Home Affairs is the person who will be responsible for the making of these rules, and I contend that the

Minister for Home Affairs has nothing to do with it, and he should have no more to do with it than the Deputy himself.

**Mr. JOHNSON:** This question raised by Deputy Redmond really has more in it than he himself has stated. It seems to raise the question of what is the relationship between the Judiciary—the Institutions of the Law—and the State. Is the Judiciary subordinate to the State; is the Judiciary subordinate to the Ministry, or any part of the Ministry, or is it, as some theorists would contend, and I think with a great deal of sound reasoning, that it is of an equal status with the political institution of the State, and it should be self-governing, subject only to the legislation passed by the Oireachtas, not under the Ministry of the time being in any respect? That is really underlying the proposition made by Deputy Redmond, and while it is only dealing with the subordinate matter of the attire of the officials of this Judiciary, the important question is rather the relations of the Judiciary to the political State. Perhaps one ought to say, if that is the point of view, that this question should have been dealt with, not merely in respect of the robes, but of the whole clause, as to whether the Ministry, through the Minister for Home Affairs, should have this authority, or whether the whole of the job should be taken in hand by the Judiciary itself. If the contention that Deputy Redmond is making is sound it seems to me to apply equally well to the other rules as the mode of address or the robes to be worn. I would like to have heard Deputy Redmond, or any other Deputies that have knowledge of the procedure regarding Courts of Justice, to have dealt with it from that point of view. It is a comparatively small matter what robes or official dress should be worn, or even the mode of address to be adopted to the Judges. I do not know whether it is possible, on this amendment, to discuss that aspect more generally, but if it is I would like to hear some of the Deputies enlarge upon that subject.

**The PRESIDENT:** I do not know exactly whether the purpose of the

[The President.]

amendment is directed towards item 6, "the mode of address to be adopted to the judges, and the robes and official dress to be worn by the Bench and the Bar," or to the general principles underlying this particular section. In the letter which was addressed to the Chairman and members of the Committee, who were requested to report on this whole matter, particular stress was laid upon the fact that it was desirable to set up a Judiciary in accordance with the Constitution, and to mark a considerable difference to what had been in the public mind associated with the late alien Government in this country. I have noticed for some time past that a good deal of criticism has been directed not so much to the particular details of the new machinery, but rather to the purpose of any change at all, and it would appear to indicate to my mind that there was a desire on the part of certain persons, particularly those who criticised this Bill, not to mark the setting up of an independent Government here by interfering at all with the Courts as such. I think it is the general impression amongst the people we have been in contact with that there was perhaps closer association between the administration of justice and the British Government than there was with any other service in the country and the British Government.

I believe it is the desire on the part of practically the entire country that there should be certainly a marked difference between the Courts that have been dispensing justice here for a very long time and the new institution that it is proposed to set up under this Bill. There is, it will be observed from an examination of this measure, all the way through a desire to mark the independence of the Bench, but Parliament is entitled to certain safeguards, and the safeguards that are set down with regard to this particular clause are very light. They do not infringe in any way the independence of the Bar or Bench or the legal profession, but they do secure to Parliament, at any rate, the power to review such rules as would be made which might possibly leave the new institutions, if we do not reserve that power, under the shadow of the allegation that they were

exactly the same institutions as it is proposed to change entirely by this Bill. I do not think that a case has been made for removing from the control of the Oireachtas the review of any such Rules as would be made, particularly rules which would not mark that great change which in the general opinion of the people ought to be effected. Therefore, I say, so far as I am concerned, I am not impressed with the advisability of adopting this amendment.

**Captain REDMOND:** As regards the rule-making authority it is very noticeable that in this report of the Judiciary Committee, which has so often been referred to, that the rule-making authority for the District Justices' Courts is proposed to consist of five District Justices, to be nominated by the general body of Justices, and so on, and no reference whatever is made to the Ministry of Home Affairs. Also in regard to the Circuit Courts, the rules are to be made by an authority which does not include the Minister for Home Affairs; and as regards the rule-making authority of the High Court, strange to say no recommendation has been made, which strikes one as rather ominous. If the rule-making authority in regard to each of these other Courts is not to include the Minister for Home Affairs, I cannot see why the rule-making authority for the High Court should, and it surely is inconsistent that the rule-making authority should be the Bench and the Bar in the one case alone and not in the other.

I quite agree with Deputy Johnson when he states that this amendment of mine raises specifically only a small point, but this point, though it may seem small to the Deputies, is a point that is of considerable importance to the dignity and also to the status of the Irish Bar. I quite agree that it is a minor matter, and I also quite agree that it does raise, as he suggests, the point in regard to the whole section, namely, whether the Judiciary are to be considered as subordinate to the Government, or whether they are to be considered, as they are considered in most other countries, as being independent of the Executive Government of the country. That, indeed, raises a



very serious and a very thoughtful issue, but there are further sections in this Bill which also raise that issue, and which, as I intend to dwell upon it much further, I will not trouble the Committee with at the moment. I would like to say, however, that with regard to this particular amendment the members of the Irish Bar at a meeting held sometime ago, unanimously decided that they should put forward their claim on behalf of the Bench and Bar to have the sole right to determine what form of robe should be used by them when addressing one of the State Courts.

**AN CEANN COMHAIRLE:** I would like to call the attention of Deputies to the method of taking Divisions. Divisions are taken by the procedure laid down in Standing Order 52. Those who are in favour of the Question say "Tá," and those against say "Níl."

The names will be called in alphabetical order, and not by order of constituencies. The names will be called in the form in which they have been given to the Clerk by Deputies themselves. This particular method of taking Divisions is a difficult one with a fairly large Dáil, and I would, therefore, request Deputies to fulfil the terms of the Standing Order by rising from their places when recording their votes, by remaining in the Chamber until the result of the Division has been announced, and by refraining from conversation so that the names can be distinctly heard. This particular method has difficulties which we may be able to get over later on, but for the moment I hope Deputies will rise in their seats and remain until the result of the Division has been made known, and that there will be no talking.

Amendment put:

The Dáil divided: Tá 29; Níl 52.

Tá.

Earnán Altún.  
Pádraig F. Baxter.  
Seán Buítléir.  
Bryan R. Cooper.  
Sir James Craig.  
Darghal Fíges.  
John Good.  
David Hall.  
William Hewat.  
Conor Hogan.  
Seamus Mac Cosgair.  
Pádraig Mac Fhlannchadha.  
Patrick McKenna.  
Patrick J. Mulvany.  
James S. Myles.

Tomás de Nóglá.  
Alfrid O Broin.  
Aodh O Cúlacháin.  
Liam O Daimhín.  
Tádhg S. O Donnabháin.  
Eamon O Dubhghaill.  
Donchadh S. O Guaire.  
Domhnall O Mocháin.  
Domhnall O Muirgheasa.  
Tádhg P. O Murchadha.  
Pádraig O hÓgáin (An Clár).  
Wm. A. Redmond.  
Liam Thrift.  
Nicholas Wall.

## NIL.

Richard H. Beamish.  
 Earnan de Blaghd.  
 Séamus Breathnach.  
 Seoirse de Bhulbh.  
 Próinsias Bulfin.  
 Séamus de Búrca.  
 Henry Coyle.  
 Louis J. Dalton.  
 Micheál S. de Duram.  
 Máighréad Ní Choileáin Bean Uí  
 Dhrisceóil.  
 Patrick J. Egan.  
 Seán de Faoite.  
 H. J. Finlay.  
 John Hennigan.  
 Seosamh Mac Bhrighde.  
 Alasdair MacCába.  
 Domhnall Mac Cárthaigh.  
 Liam T. Mac Cosgair.  
 Pilib Mac Cosgair.  
 Tomás Mac Eoin.  
 Pádraig Mac Fadáin.  
 Seán Mac Garaidh.  
 Seán P. Mac Giobúin.  
 Seoirse Mac Niocaill.  
 Liam Mac Sioghaird.  
 Liam Mac Aonghusa.

Seosamh Mac Craith.  
 Pádraig S. Mag Ualghairg.  
 Martin M. Nally.  
 Peadar O hAodha.  
 Criostóir O Broin.  
 Seán O Bruadair.  
 Tomás O Conaill.  
 Proinsias O Cathail.  
 Conchubhar O Conghaile.  
 Séamus B. O Dolain.  
 Micheál O Dubhghaill.  
 Peadar S. O Dubhghaill.  
 Pádraig O Dubhthaigh.  
 Eamon S. O Dúgáin.  
 Seán O Duinnin.  
 Micheál R. O hÍfearnáin.  
 Aindriú O Láimhín.  
 Fionán O Loingsigh.  
 Thomas O'Mahony.  
 Pádraig O Máille.  
 Risteárd O Maolchatha.  
 Séamus O Murchadha.  
 Pádraig O hOgáin (Gaillimh).  
 Seán M. O Súilleabháin.  
 Andrew O'Shaughnessy.  
 Seán Priomhdhail.

Amendment declared lost.

**Mr. THOMAS NAGLE:** I desire to move amendment 24 standing in my name; the amendment is as follows:—"In Sub-Clause (vi.), page 10, line 11, after the words 'official dress' to insert the words 'if any'." The Sub-Section as it is makes it imperative that official dress should be worn, and the amendment leaves the question open, and makes it possible that the Bench and Bar may attend in ordinary walking costumes if they wish.

**Professor MAGENNIS:** The Deputy has not made it quite clear that the reservation "if any" refers to "official" and not to "dress."

**Mr. JOHNSON:** Does the Deputy desire to leave it optional whether a dress shall be worn?

**Professor MAGENNIS:** It is already in the hands of the rule-making authority.

**The PRESIDENT:** I would not be disposed to accept the amendment. My information is that there is a universal consensus of opinion that the dignity of these institutions is enhanced by having an official dress. I think in most of the pictures or records or descriptions that occur of judicial institutions

all over the world, there is reference made to the particular style of dress, and I do not know why there should not be here in this country also an official dress. It is a matter for the institutions that have been set up to make recommendations with regard to that. I think that the last month or two shows that there has been a determined effort on the part of certain persons to ensure that the dress shall be exactly as it was in the old days. There are various methods of ensuring that that will happen, when one gets no information whatever from official sources that such is the case. A man or Minister or official having been approached for information on a given subject does not give any information, refuses to discuss the subject and so on. Then some enterprising journalist immediately publishes what is alleged to be a statement, either of the Minister, the official or the secretary, thinking at once that immediate qualification or denial or affirmation must be issued. I have observed recently many such devices having been adopted, not alone with regard to this particular question of dress, but with regard to other questions. I would advise such diligently minded people not to adopt such methods in the future. It is scarcely fair. There has been no official

statement made with regard to the abolition of any particular form of dress, official or otherwise, in connection with the Courts. I think the machinery that is outlined in this Clause provides for what is perhaps the best possible method of deciding what it should be. I think that it should be left there, and the Deputy should not press this matter.

**Mr. JOHNSON:** I am surprised at the information that the President has given to the effect that universally, in Courts of Justice, there has been adopted certain official costumes. I thought that was not the case in America, and I think it is not the case in some Continental countries.

**The PRESIDENT:** It is not the case in America, and I believe it has been abolished in Russia.

**Mr. JOHNSON:** I doubt if it is the case in France.

**Professor MAGENNIS:** It is.

**Mr. JOHNSON:** I accept that. It is certainly universal in these countries which have been held up to us on the one side or the other as being models of propriety because of having adopted this archaic procedure. I think I have heard rather frequently, in the course of the discussions, or I have read statements made in support of the Bill that is now before us, as to the extraordinary success of the Dáil Courts, and of the prestige that they gained, but I had not heard that they were obliged to wear any particular costume, whether sitting as Justices or practising as pleaders. The proposition here, of course, is that we should not decide finally that there must be an official dress, and I suggest that it is very well worthy of discussion whether we ought to lay down that there must be some official dress for those who plead in the Courts, and also as to whether we should leave it as a probability that the distinction between a Barrister and a Solicitor, and between one Court and another, should be maintained. I am inclined to think that the Solicitor appearing in the law Court is just as effective without a wig as the Barrister with a wig. Of course he may not be

able to frighten a timid witness as effectively, and after all it seems to me that the purpose of the official robes and dress has been rather to overawe the ordinary, common citizen, who is supposed to be coming into an atmosphere which is far and away above mundane things. I support the amendment, because I think that we ought not to decide here that there must be a uniform for those who plead in the Courts.

**Professor MAGENNIS:** Deputy Johnson gives us an example of a very famous and over-used form of sophistry. The Dáil Courts were highly successful; neither Judge nor pleaders in them wore an official costume; therefore official costume adds nothing to the dignity or success of the proceedings. Would it not occur to the Deputy that it was in spite of the absence of these habitual and traditional elements of State that the success was achieved, because they were the Courts of our own people established to supersede the Courts of the alien? Now he appeals to the practice in America. That, I daresay, is because he shares the general belief that to be democratic is to be plain, because regal splendours have become associated with official costumes, then we who advocate democracy must cry out, "Away with all robes and fripperies, they belong to an obsolete form of civilisation in which the vulgar and the low and the baser population were to be awed into subjection and obedience by the majesty and state of this artificial type." Well, the same proposal has been made with regard to the ceremonial and services of the Church, and I should like to know where Deputy Johnson proposes to draw the line. Why not do away with titles, with precedents and status, and let us all get down to the dead level of the Fijian Islanders. I have read the new policy of the Labour Party, but I did not read that in their manifestoes at the last election.

Now, we all know what an undignified procedure is followed in some of the Western Courts in America, where the State Attorney borrows a plug of tobacco from the prisoner in the dock and expectorates over the whole Court to add emphasis to his legal argument. I do not think that in establishing new

[Professor Magennis.] methods and traditions for our country, which we have always claimed was a highly civilised country when certain others, of which we wot, had their inhabitants painting themselves with woad, it is a good thing to recommend to us barbarous and semi-baked communities from which to borrow. Deputy Johnson quoted the case of France. There is an official costume there of very long standing. Of course I plead guilty to a certain amount of inconsistency in upholding robes, because it is traditional with Universities to wear academic costume, and I am afraid that I am sadly wanting in that respect, even on official occasions. That is because the salary of professors is so low and so insufficient that I cannot afford one of these highly-coloured or multi-coloured robes required for academic purposes.

The question of robes is, after all, to be determined by experience, and everyone who has any experience of the Bar practice is well aware that the country litigant feels he has got a great deal more value for his money when the argument was conducted by a man with a wig on his head before another man with a bigger wig on his head. That may be very faulty, very lamentable, and very regrettable, but it is incident to human nature. It is a psychological fact that people are impressed by costume. The clown in the circus might perform to practically empty or unappreciative audiences if he did not wear the robes of a clown. Without his fripperies and his bangles what would be the effect on the other performers? Why, one of the newest stunts in the music hall is for the highly trained acrobat to go through the traditional acrobatic performances in dress clothes and silk hat, which is an unconscious tribute to the fact that the public expect the ceremonial to which they were always accustomed.

Now, we are establishing new Courts and new procedure, and it is highly essential that they should succeed, but we should not throw away any of the established machinery by which we are aware trials, especially in country localities, are made impressive. Deputy Johnson will have to change the face of the earth very considerably before

he will have created a new race of men whose imagination could not be affected by ritual. If it is the purpose of the Labour Party to replace the present race of humans by a newer race it would be an excellent thing to hear how they propose to set about the removal of what appears to every observer to be ingrained in humanity as such.

**Mr. JOHNSON:** To go back to the time of Methuselah.

**Mr. T. J. O'CONNELL:** Deputy Magennis would have it appear that something very revolutionary was asked for in this amendment. The amendment really aims only at what it pretends to aim, namely, to leave the matter optional, not to take, here and now, a decision as to whether official robes should or should not be worn. The President called attention, two or three times, to the necessity—and I agree with him in this—for marking some big distinction as to the Courts to be set up in the Saorstát and those which were in existence for some time, and I think no better way could be chosen than by discarding these official robes. In doing that we would, after all, be only following the example we ourselves have set here. Those of us who were in the last Dáil and who are in this one, must agree that it does not detract from the dignity of our proceedings that our Ceann Comhairle does not get himself up in wig and gown and knee breeches, as the Chairmen of other Parliaments have done. There is, after all, a very wide gap, indeed, between a wig and gown, on the one hand, and the robes of the Fiji Islanders, on the other. It does not mean that we are to go back to the robes of the Fiji Islanders if we discard the wig and gown. I think we should get away from the idea that it is necessary to use artificial means of this kind to add to the dignity or solemnity of our Courts, and I support the amendment, in so far as I think it is not advisable for this Dáil to make it essential that robes should be worn.

After all, times will change and methods will change. If we were sitting in the Parliaments of thirty or forty years ago, I suppose we would

all be coming down to the House in tall hats and frock coats, and if we happened to be in the Parliaments of a hundred years we would be wearing full bottom wigs and swords. If that had been enacted at that time, and that we had to dress up in those robes, I think we would have found it most inconvenient now, and everyone would have agreed that a change was necessary. The amendment leaves this matter an open question.

**Major COOPER:** There is one point that I think has been overlooked, and that is that now the Bar is open to both sexes and that there are lady barristers. It seems to me that unless there is some official dress agreed upon and that the matter is not left an open question, as the Labour Party want, the men will simply be extinguished by the ladies. The ladies will simply appear in Court in gorgeous creations, so that no poor male counsel will have any chance with juries at all. I think there is an absolute necessity for some official dress to be regulated by somebody to be worn by barristers.

**The PRESIDENT:** May I put it to the Dáil that if it be clear that the amendment will be lost, Deputy Nagle ought not to press the matter to a Division, because unless he is sure of carrying the Dáil on his amendment the vote of the Dáil might be taken as a direction to the rule-making authorities that we were determined to have an official dress.

**Mr. JOHNSON:** I would like to have some assurance on that point. It seems to me, as things are in the Section, there is no option. There must be an official robe decided by the rule-making authorities.

**AN CEANN COMHAIRLE:** The wording of the Section, page 9, line 47, of the Bill is: "In particular rules may be made for all or any of the following matters."

**Mr. NAGLE:** I ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

**Professor THRIFT:** I beg to move to delete, Sub-section (VII.) ("the sit-

tings and the vacations and the length of such") and to substitute therefor the following: "The commencement and duration of the sittings and the vacations."

As far as I can understand the wording of the Sub-section in the Bill, I think the words that I propose in substitution express the meaning more clearly. There is no change in the substance.

**The PRESIDENT:** If the language of the amendment is more elegant and distinct, I propose to adopt it.

Amendment agreed to.

**AN CEANN COMHAIRLE:** That also disposes of amendment No. 26.

**Mr. DUGGAN:** I beg to move, in sub-clause (VIII.), page 10, line 14, to insert after the word "the" the words "fixing and collection of fees and the."

The object of the amendment is to empower the rule-making authority to arrange for the fixing and collection of Court fees.

Amendment agreed to.

**Mr. DUGGAN:** I beg to move an amendment in page 10, lines 15 and 16, to delete the words "Section or any of the Sub-sections thereof," and to insert in lieu thereof the word "Act."

The object of the amendment is to enable the rule-making authority to make any general adaptations that may be required.

Amendment agreed to.

**Professor O'SULLIVAN:** I suggest there is some ambiguity about lines 20 and 22 of the Clause on page 10 of the Bill. I take it for granted that the purpose is that the Committee should consist of the majority of the Judges of the Supreme Court and High Court, the President of the Incorporated Law Society of Ireland, and two practising barristers. That is to be one body, and it is their concurrence that is necessary. I suggest that the Sub-section as it stands is open to the interpretation that it may possibly be three bodies, namely—(1) a majority of the Judges of the Supreme Court and the High Court; (2) the President of the Incorporated Law Society of Ireland, and (3) two practising barristers. I think it might be possible to make that matter a little clearer later on.

**The PRESIDENT:** Yes. My attention was drawn to this matter previously by Professor O'Sullivan. I will have it examined and looked into before the next stage, and I will bring up whatever necessary alteration there may be in the wording. It is intended to be a Committee of all those mentioned and that the majority of the Committee should decide.

Question, "That Clause 36, as amended, stand part of the Bill," put and agreed to.

## PART II.

### THE CIRCUIT COURT. (SECTION 37.)

A Circuit Court of Justice in Saorstát Éireann shall be constituted under this Act consisting of not more than eight judges, each of whom shall be styled in his appointment "Judge of the Circuit Court of Justice in Saorstát Éireann." Such judges shall discharge within the several groups of Counties specified in the Schedule to this Act (which groups are hereinafter termed Circuits) such duties as are by this Act imposed upon Judges of the Circuit Court.

**Captain REDMOND:** I do not know whether it is in order or not for me to ask you, but if it is I would be grateful to you if I might be permitted to amend my proposed amendment. The meaning that I meant to convey by substituting the word "ten" for the word "eight" is better brought out by inserting after the word "of" "a minimum of."

**AN CEANN COMHAIRLE:** The amendment would then be: after the word "of" on line 37 to delete the words "not more than" and to insert instead the words "a minimum of."

**Captain REDMOND:** In moving the amendment in that form I desire once again to refer to the report of the Judiciary Committee. On page 16, which is the portion of that Report that refers to Circuit Courts, at the bottom of the page and the beginning of the paragraph, the following words occur:—

We consider that a minimum of eight judges will be required for these Circuit Courts to discharge the duties hitherto performed for the twenty-six counties by sixteen County Court Judges.

That was the considered opinion of this Judiciary Committee, and that being so I do not think that this Section as it now stands, which actually limits the number of those Circuit Judges that may be appointed to eight, accurately, if indeed it does at all, carries out the recommendation. At the present time there are sixteen what are known as County Court Judges in the twenty-six counties. It is proposed under this Section to substitute for those sixteen judges eight judges. That means that the area over which each future judge is to have jurisdiction is to be twice the area over which an existing County Court Judge has jurisdiction. But more than that is proposed, for in subsequent Sections the jurisdiction is proposed to be doubled in most instances, and, in one particularly important instance, it is proposed to be multiplied six times. Therefore, the position which the new judges will find themselves in when appointed will be, that there will be half the number of judges to do in many cases twice the amount of work, and in all cases of contract and tort, which are the great majority of cases, six times the amount of work, and to cover twice the area of country. I do not profess to be a great mathematician, but with these figures at hand I would now leave it to the calculations of the individual Deputies to discover how much more work will be required from new judges who are half the number, who have twice the area to traverse, who have in the most important cases six times the jurisdiction, and in all cases over twice the jurisdiction of previous judges.

I say that the work that is proposed for those judges is not only mentally but physically impossible. The Judiciary Committee recommended that there should be at least eight. It is proposed here that there shall be a maximum of eight. I think it would be most advisable if the Government could see its way to adopt the Judiciary Committee's suggestion and that

would be to appoint eight to start with. They will then be able to see for themselves how far eight are able to discharge this colossal task. When one comes to consider subsequent sections it is provided for in Section 46 that temporary assistant judges may be appointed. It is to guard against this very practice of having to appoint temporary assistant judges—whose tenure, mark you, shall not be determined and who will be mere emergency men, who will be possibly appointed by the existing Executive of the day, and who undoubtedly cannot be expected and will not be independent of that Executive—that I now propose that it should be a minimum of eight judges that should be appointed and not a maximum of eight. That is the very question which has already been raised upon a previous Section by Deputy Johnson. I venture to say—I am not going to prophesy; it is a very foolish luxury to indulge in, especially anything in the nature of a public prophesy—that in a very short time indeed, it will be discovered by the Government and by the people generally, that eight judges will not suffice for the almost superhuman task which this Bill endeavours to place upon their shoulders. That being so my object is to secure that the judges of the future shall be independent of the Executive, shall hold their judicial offices without either fear or favour of the then existing Government. That is why I propose that the minimum should be eight, and that there will be no necessity, therefore, for the operation of Section 46 in the appointing of temporary emergency men.

Now, in regard to the task that these Judges have to perform, I do not believe, without casting any disparagement upon my fellow Deputies, that they, for one moment realise what that task shall be. No one, least of all myself, suggests for a moment, that the present County Court Judge has got an arduous task to perform. Many times, in years gone by, I have, in another place, called for the reduction in the number of County Court Judges. No one can gainsay the fact, that in past years in Ireland, a County Court judgeship was probably the softest, and the nicest position attainable, even at the

Irish Bar. But that being so does not in any way render it necessary for us, now that we are setting up a new judiciary, to make the task of our future judges an impossible one. What shall be their task? Has any Deputy considered the area over which they will have jurisdiction? Take one Circuit alone. It embraces the counties Louth, Meath, Kildare, Wicklow and Wexford. A judge starts on his rounds in the County Louth and winds up, presumably, after travelling along the coast, backwards and forwards, in Wexford. At the present time it takes a County Court Judge, with all the rapidity at his command, from at least four to six weeks to do the counties within his jurisdiction. But his area is to be doubled. I say that when a judge starts at Louth, it will be at least two months before he is back in Louth again, and that the litigants and the people in County Louth, who previously might have applied to the High Court for injunctions and for temporary legal remedies, will have to await the return of that judge, after he has done his tour.

I do not know whether any of the Deputies have seriously studied the work of a County Court Judge. Are the Deputies aware, for instance, of the extraordinary amount of work that is done in the Recorder's Court in the City of Dublin? Are they aware that the Recorder's Court, as I saw it stated in the Press only the other day by the Recorder himself, in what I am sure will be generally taken to be a most dignified and judicial leave-taking, as he himself described it, of his great office, that his is the oldest court in existence in Ireland, and that it is essentially an Irish Court, having been set up by an Irish Parliament. But what was the jurisdiction of that Court? It was practically a complete jurisdiction at one time. In subsequent years that jurisdiction came by custom to be limited to the extent of a County Court jurisdiction. What did that jurisdiction comprise?

Let me briefly relate the work that had to be done by the Recorder of the City of Dublin. He had criminal jurisdiction, seven sessions in the year; he had Civil Bill jurisdiction, which is now proposed to be six times increased;

[Captain Redmond.]

he had licensing jurisdiction, valuation appeals, Income Tax appeals, appeals from the convictions of the Divisional Magistrates. He also had to deal with claims under the Workmen's Compensation Acts, and of later years he has had to go into the enormous number, unfortunately, of malicious injury claims for damages. That being so, with his limited jurisdiction, everybody who knows the City of Dublin knows that the Recorder was probably and is, the busiest man in the City. But it is now proposed to increase the work of the judge who is to take his place. I imagine that it will come somewhat as a surprise to some of the Deputies when I inform them of the fact that the value of the decrees in the Recorder's Court in the City of Dublin from the year 1905 to the present time, increasing as they have been in each year, has been, each successive year, more than the value of the decrees obtained in the whole High Court of Justice in Ireland. What is the meaning of that? The meaning of it is that it was the most important Court for the City of Dublin. But it is to be made more so. Its jurisdiction in certain matters is to be doubled. In other matters it is to be sextupled. I have often heard it said that the present Recorder is a super-man, but I say it will require a super-man to do the work of the future judge who is to take his place. According to this Bill one Circuit Judge is to have the jurisdiction in the whole City and County of Dublin. I say that that is an impossibility with his increased jurisdiction, with a natural increase of litigation and the various new legislative enactments. I say that for one judge to get through the work that the Recorder of Dublin does to-day, multiplied as it shall be by this Bill, will be a sheer impossibility.

Furthermore I would say this, in all seriousness to the Government, that I do think that the remarks made by the Recorder of Dublin the other day should carry weight here and throughout the country. He said, in the course of his remarks: "I venture, even though I be the last and the least of the long lines of holders of the eldest judicial office in the country, to assert

that the honour and dignity of the capital, and the rights and privileges of its Corporation, demand that a somewhat different consideration ought to apply in their case to that of a country town." I do think that there is a great deal in that remark, and therefore what I would suggest is this, that in regard to the City and County of Dublin, where it will be impossible for one judge to do the task that is committed to him, there should be a separate Circuit Judge appointed for the county, and there should be some such Court set up, in substitution, if not in continuance, of the Recorder's Court for the City of Dublin itself. When I drew attention to the extraordinary amount of work that has been done in the Recorder's Court perhaps it might be no harm also for me to remind the Dáil that at least 90 per cent. of the writs issued at the present time are writs for amounts under £300, and I defy contradiction of that statement.

That being so, what shall be the result to-morrow when we pass this Bill? It will be that practically the whole of the business of this great commercial city of Dublin and the legal questions affecting the commercial community of Dublin shall be brought and tried before a subordinate Judge, known as a Circuit Judge, who will have to look after both the city and county. I think that that, from the point of view of Dublin itself, and from the point of view of its citizens, would be a disgraceful state of affairs as well as, I have already said, to my mind, being one impossible of realisation. Now, these are some of my objects in proposing that the number of Circuit Judges should not be limited to eight. I am confident that when these Judges are appointed it will be discovered that more will have to be appointed, and I think it will be far more honest, far more straightforward, and far better policy on the part of the Government to take power to appoint, if not to appoint at once, a sufficient number of Judges to do the work than to appoint an insufficient number who they know cannot do the work, followed up by appointments of a number of emergency men who will not have the dignity, honour, and independence that



go to make an upright, honest and fearless Bench.

**Mr. GOREY:** It would be plainer to the ordinary Deputy, and perhaps to the ordinary man in the street, to come down to actual facts. We do not want to know the different heads of business dealt with by Judges, or the amount of their decrees, but we do want to know how many days they work in the year, and how many hours they work in the day, or, under the new regulations, which give them extended jurisdiction, how many days they will work, and also how many hours per day. There has been a suggestion from the Labour Benches about overtime, but perhaps they can deal with that later themselves. These are questions that will help us in coming to a decision in these matters, and if we get an answer to them I think we will be very easily able to deal with the matter.

**The PRESIDENT:** I think the Dáil is indebted to Deputy Redmond for the able manner in which he dealt with this subject, and for the fact that he brought to notice the recommendations of the Judiciary Committee. He is correct in saying that they made recommendations that no less than eight should be appointed Circuit Judges. We had in mind what Deputy Redmond stated when drawing attention to the fact that there were sixteen County Court Judges in Ireland, the administration of whose office was perhaps regarded as a plum by the legal profession. There was little work to do and plenty of time to do it. It was estimated that they had only four months' work in the year, but it is calculated that under this new form they will have ten months' as against four months' work. It is not possible now to do more than estimate or anticipate to what extent, or at what number the Circuit Judges should be fixed, but it is right to say that there was an unfortunate estimate in the case of County Court Judges, an estimate which the Deputy stated he was at the time anxious to reduce. We must take precaution that we shall not act in the same way. If there be work for a greater number, it will be the duty of the Executive to

come here and ask for power to appoint them. It is unlikely that any Executive would be in a position to say what number of judges would be required for a very considerable period. We have a big list of business to go through; there is a number of claims under the Damage to Property Act, as well as arrears of work, and so on, and perhaps a larger Bench than eight Circuit Judges will be required. It would be undesirable, in our opinion, now to man that particular section too well, because we have experience that when people are called on, in times of stress and anxiety, and in a crisis, to say: "You used us when you had difficult work to do and it is now for you to find employment for us in the future." I do not know if that would apply if we appointed ten, twelve, or eight Judges and it subsequently transpired that we had not work for them.

It is impossible to anticipate to what extent the work hitherto done by the County Court Judges will be relieved by the Circuit Judges, and the extra work is also difficult to estimate. At any rate, the Finance Ministry, giving very careful consideration to this, made it a condition that the precise number should be not more than eight. If it be necessary to ask for more, we will ask for them.

The Deputy referred to the Recorder. The Recorder of Dublin is a very able Judge—a great Judge. He has discharged his duties since our responsibilities began with very great credit to himself and to this country. He has done his duty fearlessly as a Judge and he is an ornament to the office he holds. I do not know that hard work shortens the days of Judges or lessens their capacity for dealing with work. It is a remarkable fact that, as his work increased, he showed greater form, and I hope that we shall give the new Judges an opportunity also of showing their form.

**Captain REDMOND:** In view of what the President has said I do not intend to press this amendment, but I would like to know whether it is the present intention of the Government, if they discover that these eight will not be able to perform the task allotted to them, then to apply to this Dáil for

[Captain Redmond.]

an Act enabling them to create new Judges, because, if that should be their intention, I would, in no way, oppose it. I think that would be the proper remedy. But what I do not—I must candidly admit—care for is the proposal in this subsequent Section 46, which I have already referred to, to create from time to time temporary assistant Judges. I would very much like, therefore, if the President could give me any assurance that if the Judges who are appointed are not, in the Government's opinion, able to carry out their duties satisfactorily, the Government will come to this Dáil and ask for a measure enabling them to create new Judges. I would like to know whether they will proceed, under Section 41, to appoint temporary Judges.

**The PRESIDENT:** I hope the Deputy has not misinterpreted what I said about arrears of work and the large number of compensation claims. I take it, as far as the first year is concerned, and possibly for two years, that we may have to appoint an equal number of Assistant Judges, with the Circuit Judges. If, as soon as this large volume of work is completed, we find eight is not sufficient we will certainly come to the Dáil and ask for more.

**Captain REDMOND:** I accept the President's statement.

Amendment by leave withdrawn.

**Mr. DARRELL FIGGIS:** With regard to the Section itself, it would be very desirable if the President could bring before this Dáil somewhat fuller details as to the expenditure involved by the State in appointing this number of Circuit Courts. I had a motion down yesterday that this matter should in the first instance be referred to a Select Committee, and my intention was that they should inquire into the recommendations of the Judiciary Committee in order that the Dáil should know what evidence had been heard by that Committee in coming to a conclusion that those Courts should be set up, and, further, that such a Committee might be able to let this Dáil have

fuller and more detailed information with regard to this question of expenditure.

The President stated it was going to mean cheaper law for the litigant. Unquestionably, it will mean cheaper law for the litigant, but it will mean greater expense for the taxpayer. It is the taxpayer who is going to be called upon to provide cheaper law for the litigant. Each of those Circuit Courts will have attached to it what will virtually be a High Court establishment. There will be at least eight High Court establishments throughout the country, and each of those Circuit Courts will have to travel over the whole of the area of their jurisdiction. They will have to remove with them all their books, records and paraphernalia. All that is going to cause greater expense. I think, when we are asked to decide a question of this kind with the finances of the country in the state in which they are at the present moment, we ought to be entitled to call upon the President, in this case steering this Bill through Committee, to come to this Dáil and state what the cost is likely to be. We can each work out in a little time how much cheaper law it is going to mean for the litigant and the litigious person. But the litigant is not the only person to be considered. The taxpayer is far more important, especially with the finances of the country in the present position. I therefore ask, before this Section 37 is put to the Dáil for a vote, that the President should tell us what the cost of each of those Circuit Courts is going to be and what the total cost, as compared with that of the displaced Courts, is going to be. It would be desirable if the President would address himself to some of the criticisms that have been made in the country during the past two or three weeks with regard to the effect or the existence of such Courts on the commercial and mercantile credit of the country. We know a statement has been made that the Dublin merchants will be called upon to appeal to juries in the areas where debts may be owing. They may be called upon actually to appeal to friends and relatives of persons who may owe them monies that are being claimed.

There is a great deal of disquietude with regard to it, and the disquietude is very largely justified. An Act was passed not long ago entitled "The Public Safety (Emergency Powers) Act," and Section 12 of that Act states:—

"Where an indictment for a crime committed at any place in Saorstát Éireann has been found against any person, or any person has been committed for trial for such crime, the High Court on an application by or on behalf of the Attorney-General of Saorstát Éireann and upon his Certificate that he believes that a more fair and impartial trial can be had at a court and in a county to be named in such Certificate, shall make an order as of course that the trial shall be had at the court and in the county named in the Certificate."

The Bill was brought before this Dáil by the Minister for Home Affairs. In commending it to the Dáil he stated on the 26th June—I am quoting from the Official Report:—"Section 12 of the Bill provides for a change of venue in criminal cases on the certificate of the Attorney-General that he believes that a fairer and more impartial trial can be had at a Court, and in a county to be named in such certificate." These are the words used by the Minister in commending the Bill, and in commending that provision. He went on to say:—"It enables the venue of a particular trial to be changed in the case of criminal offences. That," he said, "unfortunately, is likely to be necessary." In other words, the Minister came here and stated that there was reason to believe that a fair trial was not likely to be had in the actual area, and before the friends of the person in the area where the offence was actually committed. I put the case to the Dáil and the Ministry in this way. Here are two persons, A and B. One person, A, is robbed of £500 in a certain country town; B is a tradesman in that town who owes £500 to a merchant in Dublin; the Minister for Home Affairs states that in the case of A it would be undesirable for the trial to be held in the town where he was a resident, because it would be improbable that the trial would be impartial

or fair. If that be the case, and it is not my statement, but the statement of the Minister for Home Affairs, how does it come about that a fairer and more impartial trial is likely to be had in the same town in respect of the man who would like to escape his liability for paying £500 if he could? There are persons, and I think the President will admit it from his experience as a tax collector during the past twelve months, who would like to escape their liabilities if they could.

**The PRESIDENT:** No, they are all paying up now.

**Mr. DARRELL FIGGIS:** But there are persons of that sort. If what the Minister for Home Affairs stated was a right statement, and the provision for which he pleaded is now the law of this State, in respect of the person who committed a robbery, a venal offence, against which the minds of jurymen might be more easily aroused, if a fair trial was not likely to be found in a country town against the person who was an avowed robber, how does it come about that a fairer trial is likely to be had for a person who owes money? The matter is taking a somewhat serious form. I had it brought to my knowledge within the past two or three days, and I have asked and procured permission to use this knowledge in the Dáil. It is that certain large English mercantile houses have taken advice of solicitors in this city in respect of clients in country districts in Ireland, because of the possible, the almost certain, passage of this Bill with these provisions embodied into it, that they will, prior to doing business with houses in country parts in Ireland, adopt an agreement, one of the articles of that agreement to be that in all cases of dispute, whether as to money owing or as to fulfilment of contract, a special arbitration clause shall operate, the arbitration in respect of that clause to be held in England, the country of the person supplying the goods. That clause is actually in draft. It is not a very pleasing thing that such a clause should be adopted. I have read the particular clause and I referred to it and spoke of it to a Dublin merchant, who stated that they also felt that in the present circumstances, at least, it

[Mr. Darrell Figgis.]

was a very doubtful principle to bring cases for the fulfilment of debts before juries that might reasonably be composed of friends of the person against whom the action is being instituted. I put that forward; it is common knowledge that it is disturbing many people in the city of Dublin. I make no plea here with regard to merchants in England. That is their own concern, but I do urge that considerations that do so vitally affect merchants here and that have been ventilated by them, should be dealt with, and that some statement should be made respecting it.

I am aware of the statement made by the Attorney-General two days ago, which is backed by the substance of the Bill, that actions in such cases might be instituted in the High Court in Dublin. It is also true, and he, I believe, did not state it in his communication to the Press, that appeals might be brought back again to the High Court in Dublin. These are, I agree, protection, but in the degree in which they will be adequate protection they remove the argument brought here by the President when he said that the extended jurisdiction of these Circuit Courts will reduce the cost to litigants. Litigants under the present regime are confined to one court, which would be the Court of first instance as well as practically the final Court for them to proceed in. Under the new provisions they may start proceedings in the High Court, continue them in a Circuit Court, and then bring them back again to the High Court, and that, I think, will not mean cheaper litigation. Clearly it will not. But whether it does or does not, two important arguments against this article are these. In the first instance, that it will not help to strengthen the credit of this country; and, secondly, that it will mean very much heavier costs to the taxpayer. It is in order that the second might be met that I desire that facts and figures should be communicated to the Dáil, and I now invite the President to give some information as to the cost. I know that the cost has been promised. He made a statement a short time ago that the Ministry of Finance urged that the words em-

bodied in this Clause should be "Not more than eight Courts."

Now, I think it is fair to infer from that statement of his that the Ministry of Finance has gone into the question of cost in respect of the Courts. That is a fair inference. If the Ministry of Finance has gone into the question, it is reasonable to expect that it should let us know exactly what the cost of each of these Circuit Courts is to be. I venture to say that if that information be given, the President may be able to maintain his statement that the institution of Circuit Courts will mean cheaper litigation for persons litigiously inclined, but it will mean much heavier taxation for the taxpayers.

**Major COOPER:** I only want to make a minor point. By virtue of the passing of this Section the old County Courts will cease to exist. A certain amount of anxiety is felt by some employees of these Courts, men in humble positions, civil bill officers, and people like that. I should like if the President would make a statement as to how these people will be affected, whether it is the intention of the Government to continue them, and whether they have any pensionable rights. I should think myself under Article 10 of the Treaty they would have pensionable rights. I should be very grateful if the President would say something to reassure their anxiety.

**Professor MAGENNIS:** Deputy Darrell Figgis, with something of that ingenuity which is so characteristic of him, has contrived to deliver a Second Reading speech, which through some misadventure was not delivered on the occasion of the Second Reading. He demands figures which he knows from the nature of the case could not be forthcoming in a form altogether satisfactory to a critic such as he. It is most important to remember there are quite a host of amendments still awaiting consideration. Some of them may be accepted by the Government, and it may prove that the remuneration set down in the Bill for Circuit Judges may be increased, and consequently the Bill in that respect would require a little alteration. But that is not the point I wish to make at the moment on this section of his argument. Let

us not lose sight of this, that the public funds are not dipped into for the payment of Judges, so that the taxpayer, *qua* taxpayer, is not bearing the total costs. As I mentioned, in connection with the Judges of the High Court and Supreme Court, fees paid by litigants add a very considerable amount to the takings of the revenue, and it would not possibly be anything but a very approximate and considerably inadequate estimate as to what the amount of litigation may come to when normal conditions have been arrived at. Remember that a great amount of litigation is a proof of prosperity, and we have confidence in the growth of the Free State and believe, therefore, that there will be recourse to the Courts in greater measure than hitherto, and there will be great confidence in these Courts of our own establishment and in their administration. The whole doctrine of Deputy Figgis is that we should legislate to make it easy for Manchester merchants to collect debts in Ireland.

**Mr. DARRELL FIGGIS:** I must protest against what I will not say was a deliberate but a very manifest perversion of what I said. I specifically said I did not speak on their behalf, but that I was speaking on behalf of the merchants in this city, the capital of the Free State.

**Professor MAGENNIS:** Deputy Darrell Figgis in the argument which I was trying to condense reminded me vividly of the famous scene in *Bardell v. Pickwick*, when Sergeant Buzzfuz, fixing his eye with glaring gaze on the defendant, said: "If the defendant, Pickwick, be, as I am informed he is, present in this court, I would tell him, etc." He made the plea for the Manchester merchants, and then disclaimed any intention of making it for them. We who live in Dublin are all aware that there are agencies for the collection of debts, and it is not an infrequent thing for a debtor with lightning-like rapidity when a writ is served on him to prefer to pay, and he faces an inordinate amount of expense on the writ rather than litigate it. That is a constant and frequent experience. Why should the farmer or small shopkeeper in the country be put at a dis-

advantage merely because traders across the Channel will want to be facilitated? If Deputy Figgis had taken the trouble to read the amendments tabled he would have seen that one of his objections disappears.

In page 6 there is what I may for convenience call a Government amendment. It is over the name of Deputy Duggan. "Provided also that any party to an action commenced in the Circuit Court, and pending therein, may at any time apply to the Circuit Judge that the action may be sent forward to the High Court, and thereupon in case the action is one fit to be prosecuted in the High Court, and the High Court appears to be the most appropriate tribunal in the circumstances, the Circuit Judge may send forward such action." That is an amendment precisely on all fours but not quite identical with the amendment which I had the pleasure of withdrawing yesterday evening in view of this. There is no difficulty whatever in this matter. It is one of the mare's nests that some Deputies take particular delight in discovering.

**The PRESIDENT:** I am invited by Deputy Figgis to address myself to four particular subjects. One was the Press references in connection with this Bill; the second was a balance sheet; the third was credit, and the fourth, I think, was certain conditions put in by British manufacturers or traders on arbitration in England. As regards the Press references, I read one letter signed by a very distinguished person, and I said to myself after reading it, to use a vulgarism, "That's wallops." He explained in the beginning that he had changed his mind, and he explained at the end why he had changed it. It reminded me of the earlier period of picture postcards, in one of which there was depicted the father of a family, and I think 10 children in the bed. He turned over and two of the children fell out of the bed. Underneath was written "When father turns we all turn." I hope Deputy Figgis was not one of the children who fell out.

In this case this man, having changed his mind, and being originally in favour of the Bill, thinks that we-

[The President.] should all change our minds at once. That is not an operation easily performed in this country. People do not change their minds so rapidly. I have not had time to address myself to Press references. I have Press references here in piles. I think, sir, it was your intention on one occasion to prohibit the reading of newspapers in the Dáil during the conduct of business. I may say it is the only opportunity that I have of reading the newspapers, and of course I would not like to come under your ban.

Press references have been mainly anonymous, and they are worthy of being anonymous. They have been directed in other places to the one purpose of damaging and endeavouring to ruin the credit of this country—a very serious and a very damnable form of propaganda. The credit of this country is high. It is rendered still higher by this Bill, in my opinion, if I am fit to form any judgment on the matter, and in the opinion of those who have been responsible for making up this Bill, those who advised us in the first instance as to how it should be constructed, and those who have advised us in its construction.

The credit of this country is not fairly described by Deputy Figgis when he puts into contrast the fact that the Minister for Home Affairs took temporary power for the Attorney-General to change the venue of trials. If the Deputy will look at page 6 of the Amendment Paper he will find there is power given to the Circuit Judge, on application, to change the venue if he thinks fit.

Most of the criticism of this Bill that has appeared in the Press is unfair and false criticism, and that is well known to the people who have uttered it; they know it is unfair and it is false. I am asked for a balance sheet, and a balance sheet, as the Deputy well knows, is a rather difficult thing to put before the Dáil dealing with a subject of this kind. In any change there is bound to be an adverse balance for a considerable period, if one has to take into consideration what has to be paid for getting rid of the older form of judicial system that we have had. If the Deputy has that in mind and means

to say that in connection with a criticism of this sort, I make him a present of it. We have had the same disadvantage with regard to the police and with regard to some Civil Servants, and we are prepared to pay that price. It is for the benefit of the country, and I believe the country will be satisfied.

**Mr. DARRELL FIGGIS:** I was not referring to that at all; it was merely a comparison of expenditure.

**The PRESIDENT:** Well, the comparison of expenditure is that it cost £111,000 for the old system and it is estimated it will cost £76,000 for the new system. In that comparison there appear the names of the Lord Chief Justice, two Lords Justices of Appeal, six Judges, and one Judicial Commissioner, half of the Lord Chancellor's salary, the Recorders of Dublin, Cork and Galway, twelve County Court Judges and the bonuses paid to them, forty-six Resident Magistrates, their cost and estimated bonuses, their travelling and other expenses. On the other side, you have the President of the Supreme Court, two Appeal Judges, five High Court Judges and the President, eight Circuit Judges, thirty District Justices and Vacation Justices, making altogether a total on the one side of £111,400, and on the other £76,000. The estimated saving is £35,400, and the balance sheet has not been audited.

In the one case you have the Dublin Divisional Magistrates and the present staff of the Supreme Court, including the Land Registry, at a cost of £150,000. Then you have the Registrars of County Court Judges, Clerks of the Crown and Peace, with their bonuses, and there is added in the paragraph, "in all capacities." Then you have clerical assistants of the Clerks of the Crown and Peace, making a total of £210,000. That is for the present system. For the future staff the total is estimated at £154,000, and the estimated saving is £55,500. The Clerks to the District Courts will not cost more than the Clerks of Petty Sessions.

Then there is a note: "The above is the roughest possible sketch, and the only inference that can be safely drawn is that the new system will not

be dearer to the State. The fees all round are too low at present. Several thousands more can be got without hardship to anybody," and that also is unaudited. I would like to give the Deputy all the information he wants on this or any other subject to help him to form fair criticism of the proposed system.

With regard to the British conditions of sale, we will suppose for a moment that that particular condition is put in and there has to be an arbitration in England. Who is to carry it out? An award is made, and we will say they grant a million against you or against me. Who is to carry it out? If it be thought by any people that we are going to see that our independence or our integrity as a State is going to be interfered with, whether or not they are business people, they will find they have bitten off more than they can chew. As regards credit, this time last year we addressed ourselves on many an occasion to this matter. We spoke plainly and harshly, perhaps, but it has had its effect. There has been a remarkable improvement in the collection of debts owing to the State. If you dispute that, I invite your consideration of the *Iris Oifigiúil* in which you will see the return of Income Tax paid up to date. The Land Commission annuities are being paid much better than last year. The Minister for Agriculture will bear me out when I say the Land Commission officials are busy writing out receipts for rents that are coming in under the Land Act passed last session. The credit of the country is improving day after day, and there is nothing to interfere with its progress towards perfectly normal conditions only those peculiar Press references or despondent cries of certain eritics, who apparently have not got a good digestion, or if they have, they do not know how to profit by it.

I think that is all I have to say on the subject. I would say, as regards the imputations that have been made upon juries, that I do not subscribe to them. I believe that the comparison that has been made between the Public Safety Act and this Bill is not a fair comparison. The idea that the Minister for Home Affairs had in his mind when he gave power to the Attorney-

General to ask for a change of venue was that a certain terrorism existed which might prevent the normal flow of justice. We know that that is the case, or had been the case, but that is being gradually eliminated from our life in Ireland. I say gradually. It will take a little time. We will have to be satisfied that it is a slow, but a certain departure.

With regard to business, the same thing does not prevail. There are honest juries in the country who will honestly consider those questions. If there are complaints we are making provisions for considering them. But it is not fair that the whole jury system should be indicted here in that fashion, even if there are one or two places, or one or two cases in the country, where it is possible that a little mercy or generosity or something like that would enter into jurymen's minds. It is not right to infer that that complaint has infected the whole country, when we know very well that it has not. We know the juries in the country will give honest verdicts, whether the persons they have before them are Englishmen, Scotchmen, Frenchmen, or of any other nationality than our own.

Section 37 put and agreed to.

Sections 38 and 39 put and agreed to.

#### SECTION 40.

The age of retirement of Circuit Judges shall be 70 years.

**Major COOPER:** I beg to move as an amendment:—

"To add at the end of the Section, line 51, the words 'but the Executive Council may, on the advice of the Attorney-General, extend the age of retirement in the case of any Judge to 75 years.'"

I hope the Government may see their way to accept this amendment for two reasons. First, it is a purely permissive amendment, and it confers on them the power which they have been too modest to claim for themselves; second, I have taken the wording from Section 12 of the Bill which we have already passed. I think the Dáil will assent to the general principle that lies behind this amendment, and that is that as long as a man is fit to work and

[Major Cooper.]

anxious to work and the Government is anxious for him to continue to serve the State that he will be allowed to work. This amendment will give them the power to continue the man if they think him still able to do useful work up to the age of 75 years.

There are professions where an age limit is necessary, but I do not think the Judicial profession is one of them. It may be said, as a general rule, that judges, like wine, improve with age. They gain experience and knowledge. Of course there are some wines that will never be improved, and the same may be said of some judges. I tried to make all my amendments fit in, as far as possible, with the general scheme of the Bill. I realise that we are treading new ways, and whatever natural conservatism one has must be suppressed. I put down other amendments, but these also I drew to the best of my ability with a desire to improve the Bill.

**AN LEAS-CHEANN COMHAIRLE,**  
took the Chair at this stage.

**The PRESIDENT:** There are two amendments to Section 40. One is from Deputy Bryan Cooper, and the other is from Deputies Magennis and Captain Redmond. In the one case it is a sort of omnibus amendment, and it will be noticed that we have kept all the three, or I should say four, Courts separate. There are four Courts, I believe. Now the adoption of Deputy Bryan Cooper's amendment would deal with other Judges than those which this particular part of the Bill applies to, whereas the other amendment, I think No. 3, deals with Circuit Judges only. I propose to accept the second, that is No. 3, with a slight alteration. That is to say we accept the principle of it, and will consider about producing an amendment at the next stage. The manner in which I propose to accept it would be that the Government (that is the Executive Council) may, after consultation with the Attorney-General and the Chief Justice, extend the age for retirement. It will, I think, be admitted that a consultation of those two would be advisable because in the case of the Supreme Court it might happen that it would be the Chief Justice's

own position that would be in question, and while he would be prepared to give one decision with regard to it, the Attorney-General of the day might consider it would be advisable that he would go on. So we have the benefit of the advice of those two persons, one perhaps to be moved up, and the other to be moved out. In any case I think it would be a better method of arranging for any extension of term of office to have it on consultation with those two. If that were agreeable to Deputy Bryan Cooper I would bring it up on the next stage.

**Professor MAGENNIS:** I beg to accept the amendment in the form outlined by the President.

**Mr. JOHNSON:** I draw the attention of the President to the desirability of making this clear, that is, No. 3. If the amendment had been accepted in its present form it might apply to the Circuit Judges in general, whereas in No. 2 it is clear it applies to a specific case. I hope the President will bear that in mind.

**The PRESIDENT:** Yes.

**Major COOPER:** I am perfectly satisfied with the President's offer. In drafting the amendment I copied the wording of the Bill, but I agree that this form is preferable. I withdraw my amendment.

Amendment, by leave, withdrawn.

Section 40 put and agreed to.

#### SECTION 41.

The declaration to be made by every Circuit Judge on appointment shall be that hereinbefore set forth in Section 13 of this Act *mutatis mutandis*. It shall be made and subscribed before the Chief Justice.

**Professor MAGENNIS:** This amendment stands in my name:—

In line 52, to delete the words "The declaration to be made" and to substitute therefor the words "The Oath to be taken and subscribed," and in line 53 to delete the words "set forth in" and to substitute therefor the words "as prescribed by."

This has been already accepted in



its present form. I had a similar amendment with regard to the declaration to be taken by the High Court and Supreme Court Judges. The President was good enough to undertake to bring forward another declaration, and that is set out in the Bill at a subsequent stage, consequently it is unnecessary for me to move it.

Amendment, by leave, withdrawn.

Section 41 put and agreed to.

#### SECTION 42.

Each Circuit Judge shall receive a salary of £1,500 per annum, and on retirement, after 15 years' service or upwards, or owing to age or permanent infirmity, shall be entitled for his life to a pension amounting to two-thirds of his salary.

**Mr. BEAMISH:** The following amendment is in my name:

In line 4, at the end of the Section to add the words:—

“Provided that where under the provisions of Section 44 a Recorder or a County Court Judge in Ireland is appointed a Judge of the Circuit Court the person so appointed shall receive a salary not less than his existing salary, and his appointment as Judge of the Circuit Court shall not prejudice any right of retirement or pension on retirement which such person would have enjoyed if he had not been so appointed.”

In view of the undertaking given, I beg to withdraw it.

Section 42 put and agreed to.

Section 43 put and agreed to.

#### SECTION 44.

No person shall be appointed a Judge of the Circuit Court who is not at the date of his appointment a practising Barrister of ten years' standing at least or has not been a Recorder or a County Court Judge in Ireland, but service as a Justice of the District Court of Saorstát Éireann shall be deemed practice at the Bar for the purpose of this provision and shall be reckoned as service within the meaning of Section 42 hereof in the case of a Justice of the District Court who shall be ap-

pointed a Judge of the Circuit Court.

**Mr. JOHNSON:** I have an amendment to propose:

To delete all after the words “at least” in line 12 down to the words “provision and” in line 15, and to substitute therefor the words:—

“or a District Justice or a Justice of the District Court of Saorstát Éireann of ten years' standing either as a barrister or a solicitor, or who has not been a Recorder or a County Court Judge in Ireland, and service as a Justice in the District Court of Saorstát Éireann.”

The object of this amendment is to place District Justices who may have been solicitors on a level in regard to the opportunity for appointment to a higher office with barristers who may be District Justices. I do not know whether there is any intention on the part of the Government in drafting this Bill to give a preference to that section of the legal profession which does the pleading, but the proposition in the amendment is to put both sections of that profession on a level.

The intention is, whether a District Justice, or a Justice of the District Court who has had ten years' standing, either as a Barrister or Solicitor, shall be on a level for appointment as a Judge of the Circuit Court. I hope it is not necessary to argue the case for this equality of opportunity. I know there are certain jealousies between the two professions, and I think it may be well contended that the solicitor who has qualified to act as a District Justice, or as a Justice at all, with his experience, and I think I am right in saying longer training in the preliminary stages at any rate, is quite as well qualified to act as a Judge as the Barrister. I would like, as a matter of fact, to have seen the Bill so framed as to make it desirable that the two branches of the profession should be amalgamated, or at least that there should be an interchange between them. But we are not dealing with that now. I am asking that the Dáil should accept the proposition that a solicitor who has been appointed a Justice of a District Court should be on equal terms for promotion, as we would call it, with the Barrister who has acted

[Mr. Johnson.]

as such a Justice. I hope the Government will see their way to accept this amendment without further argument.

**Captain REDMOND:** I notice that towards the concluding portion of Deputy Johnson's remarks, in proposing this amendment, he said he had hoped that an amalgamation between the two branches of the learned profession to which I have the honour to belong should take place. Now, Deputy Johnson is a very guileless person, but surely to goodness he does not expect any of the Deputies to understand that that is not the very object and intention of this amendment. On the contrary, I claim that this amendment, if carried, to all intents and purposes would bring about the object which Deputy Johnson so much desires. Now, there is a great deal to be said in favour of the amalgamation of the two branches of this profession, and like most other subjects there is a great deal to be said against. The experiment has been tried in many countries, notably in some of our now sister Dominions. It was adopted also in the United States of America. Yes, in theory it has been tried, but in practice it has failed, and why? For one reason, and one good reason only, and that is, that no one man can be in two places and do two entirely different jobs at the same time. What I mean by that is this, that you cannot have a man entirely devoting his time to consultation with clients and to the office work necessary for the production and preparation of cases in Court, and at the same time have the same person present that case with the knowledge and with the result of the necessary legal research which he should have gone in to in order to be able to present the case.

Deputy Johnson has spoken of equality of opportunity. I would like to ask the Deputy one small question. He is strongly in favour of the amalgamation of these two branches of the legal profession. He is entitled to be so, but I would like to ask him this. Would he be in favour of the amalgamation of joiners with, let us say, cabinet-makers?

**Mr. JOHNSON:** Yes.

**Captain REDMOND:** He would.

**Mr. JOHNSON:** Certainly.

**Captain REDMOND:** Therefore, he is in favour, not of various distinct trade unions, but rather of a jack-of-all-trades sort of artisan.

**Mr. JOHNSON:** The Deputy must be living in a past age. These trades have been amalgamated for years.

**Captain REDMOND:** They may be amalgamated as a union, but what I want to point out to Deputy Johnson, and to other Deputies, is that the question of training, and the question of craft, is in each case distinct and different. An ordinary cabinet-maker might not be a good joiner, and vice versa, but what is not generally understood in the minds of outsiders, and when I say outsiders I use the word in no derogatory sense, but of extra legal people, is that the two branches of the profession are so entirely and completely distinct. Now, what this amendment proposes to do is to render promotion to the higher positions on the bench open to that branch of the profession who have not gone in for the study of the theory of the law, so much as for the practice and procedure of it.

There is no doubt that, among certain sections of both branches, there may be jealousy, but I do not think that Deputy Johnson has made his ground quite safe or sound when he comes here and proposes such an amendment as this without having consulted those immediately concerned. I do not know but he may have the authority of the Incorporated Law Society to speak on their behalf; I do not know whether he has or not. He may have the authority of the Bar Council, but I do not think he has; but he will say that he has the authority of the well-being of the people. Very well. I submit that the community at large would not benefit one thraneen by the change that he proposes to make, because, as I previously stated, one man cannot do two jobs at two places at the one time. I would therefore appeal to the Government, and to the Dáil generally, not to accept this amendment, because if this amendment were accepted it would be altering the whole

frame and principle of this Bill; it would be introducing an entirely new element into it, a most controversial element, and an element which has had nothing like universal discussion, or even any discussion at all throughout the country. I think the proper time and place to discuss such a proposal would be by the introduction of a new Bill framed upon the lines of this amendment.

**Mr. HEWAT:** I ask the Government, and the Dáil, not to accept the amendment now before them. Already, in connection with this Bill, I think there is a feeling that the Bar profession is in danger of being lowered. I do not hold with that opinion in the least, but I do say that any alteration in the direction of this amendment would be very detrimental to the whole Bar system. What we have to look forward to, and what is embodied in the principle of the Bill, is a Judicature of the very best quality and the very best material that can be got. The training of the Barrister fits him particularly, or more particularly, for the office of Judge. The natural aspirations of the Solicitor's branch of the profession are not detrimentally affected. The two branches of the profession, general opinion, I think would claim, should be separate. I think litigants would rather have them separate, and, certainly, any question of amalgamating the two professions would have a detrimental effect upon both. So long as they are kept separate there must be an incentive to members of the Bar to get such prominence, and prestige, that they will be qualified to act as Judges in the High Court and in the Circuit Courts, and any weakening of that natural aspiration might be very seriously detrimental to the profession as a whole. I would respectfully ask the Dáil to carefully consider the result of the amendment that they are now asked to pass.

**Professor MAGENNIS:** I sympathise with what is in the mind of Deputy Johnson. It does seem, at any rate at first sight, a grievance that a member of the Solicitors' profession is eligible for appointment to the position of District Justice, and that along with him, the Barrister is eligible; and that A,

Vol. 5.

selected from the one, and B from the other, and appointed at the same time, thereafter have two different prospects of promotion.

I think Deputy Johnson is mistaken, if he will allow me to say so, in putting his objection upon the  
6 o'clock. ground of democracy. We are in the habit of invoking democratic principle on behalf of nearly everything we wish to have done, by way of alteration, in the existing system. He appeals to equality of opportunity. Does the preservation of the radical differentiation of functions between the solicitor and barrister preclude equality of opportunity? Let me give a parallel from a sister profession. There is such a thing as the general practitioner among doctors, but what usually happens is that if a man is seriously concerned with regard to the symptoms he has developed, or seems to have developed, he prefers to have the opinion of an expert, and if the expert recommends an operation the patient prefers to be operated on by a skilled and long-experienced surgeon instead of undergoing a mauling at the hands of a man who is apothecary, drug mixer, prescriber, and all the rest. There is no department of activity in which specialisation of functions is so much insisted on as in the trade unions. Fancy a plumber allowing his helper to operate as a plumber. These are two different things. The skilled labourer and the unskilled labourer are not put on the same plane, nor by a parity of reasons, ought a man whose special training has given him particular skill in one department of the law be called in to do the work which is the peculiar function of a man who has undergone a different type of training.

**Mr. O'CONNELL:** The unskilled man.

**Professor MAGENNIS:** Deputy O'Connell is in bad company over there on the Labour Benches, for he is acquiring a habit of sophistication which his earlier education would have taught him to avoid. I am giving a parallel, which is a different thing from a suggestion of identical cases. Deputy Johnson would prefer the two aspirants to the legal profession to undergo the same training. Does he think that

[Professor Magennis.] would conduce to the greater advantage of the public. It has been tried. Again I appeal to the case of America, which evidently commends itself as a wonderful ideal and model to Deputy Johnson.

**Mr. JOHNSON:** Never.

**Professor MAGENNIS:** I suspected that in his calmer and more reasonable moments Deputy Johnson would confess that he does not admire American methods. It is notorious that when A, B, C and D are members of the same legal firm, and A operates as a solicitor, and B as pleader in the Courts, that what gradually comes about is this. They monopolise the entire legal business because one of them goes upon the Bench for a period and comes back into his office, and so on, until a situation is contrived that it would not be to the advantage of any one to employ anyone but that firm or they would get an adverse decision in every case. That is not a model that encourages us to have amalgamation of the two professions. The Deputy also spoke of jealousy between the two. Is there jealousy? That is an assumption that I do not pass without challenge. There are many solicitors who much prefer to remain what they are. The profession is much more lucrative. There are lines of practice open to the solicitor which are highly lucrative and do not come within the province of the unfortunate barrister, and his fees are limited. The "two-tvos" of the junior barrister do not add up to very much at the end of the legal session. He has no opportunity of serving writs, collecting debts, or of lending money upon mortgage. These are fine things in the solicitor's profession.

As regards equality of opportunity, the solicitor who feels called by predilection to the barrister's profession can become a barrister with facility, and it has happened. The late Mr. Justice Powell, who was an admirable judge, of whom everyone spoke in the highest possible terms, was for a long period a solicitor before he went to the Bar. There are others living, and, therefore, I will not mention them—not that I mean to imply that they are unmentionable. The fact is that in the

District Justice Courts' practice it is possible, because of the peculiar work on the civil side that will fall within the operation of the District Justice, that a solicitor may discharge that function very well, and he may in course of a long time develop within him unsuspected capacities that would enable him to become a Circuit Judge. But meanwhile, a barrister who is practising in the court is undergoing a type of training and is having a sort of experience which will far better qualify him for functioning on the higher bench. So if you look at this thing from the point of view of the legal profession, certain solicitors who cannot find room in the country town for their office with any great hope of success would like to have an opportunity of practising at the Bar when occasionally they would visit a Bar centre, and the unemployed at the Bar, the briefless barrister, of whom, unfortunately, there is quite a host, would no doubt be glad to have facilities on occasion to operate as a solicitor. But we have to consider the benefit of the public at large, and not the facilitation of the jack-of-all-trades to put on a robe and wig and call himself a barrister, and then like a quick-change *artiste* of the music halls throw them aside and function as a solicitor. It is not good for the public, and it certainly would not be good for the legal administration in the long run. It is much better to have one man specialising on the hearing of the client's statement of his case, reducing it to writing, preparing briefs, briefing the counsel, advising counsel, and the counsel then stating what the law is that applies to this and doing the pleading in court. Not only has the counsel, as Deputy Redmond reminds me, to look up the law, but he has to be able to know where to look for it. I can speak from experience in that regard, having worked under one of the present judges when he was a Serjeant-at-law. What excited my admiration in his regard as a senior, was that he was able to order me to find out a case for him to establish such and such a point and to tell me where to look for that. It was in that that his knowledge of law consisted, and that is a special gift and acquisi-

tion that a man cannot attain who is carrying on an altogether different practice in a different line of the profession.

**Mr. JOHNSON:** The speeches of Deputies Redmond and Magennis go far, I think, to prove the case for the amendment. They have shown how important it is to be able to plead effectively, but they have not shown in their discussion the qualities of sound judgment which are required in a judge. Pleading is one thing; ability to plead effectively, powerfully, no doubt is a very important attribute, but it is not necessarily the quality which should go to make a judge. I venture to say that the solicitor who has been deemed to be sufficiently wise and judicial in his outlook to become a Justice may—not shall—be qualified also to be a judge of the court if he has shown sound judgment in his administration of the law in the lower court. Deputy Redmond tried, I think, to show that there was some analogy between the position of the cabinet-maker and the joiner, two trades which were apart and distinct, but have been for some considerable time amalgamated as organised bodies. They are in the position that I would like under this amendment the two branches of the legal profession to be placed in. The cabinet-maker and the joiner, both employed for special work, if you like, by the same employer, may if they show special aptitude for a higher quality of work such as foremanship, be appointed as a foreman. The employer is quite at liberty to promote either to the higher office, provided that he shows aptitude. That is what I desire in this amendment. I want to remove that demarcation which I am sure Deputy Good would like to see removed from certain trades. If the aptitude is shown the judgment is proved. Although one man has chosen one path in the earlier days and another has chosen another, both have been allowed to accept office and act as Justices in those questions, very important very often, which the poor average citizen is affected by, and if they show sound judgment they should be entitled on equal terms to advance to the higher Court. I am sure

the solicitors in the Dáil and the solicitors outside will not be thankful for the suggestion from Deputy Magennis that they are in the position to the barrister that the plumber's labourer is to the plumber. But really that is not the point. The point is that you have solicitors eligible for appointment to a certain position in the Judiciary and presumed to have the qualities worthy for that appointment who are then prevented from advancement. It seems to me that the case to be made is why there should be such a debarring. It is the business, I would suggest, of those who have promoted the Bill in its present form to justify that exclusion. We have not heard whether the Government is prepared to accept the amendment or not, and I will ask the Dáil not to be misled by the argument of Deputies Redmond and Magennis that this must necessarily entail an amalgamation of the professions. That is a proposition that can be argued and discussed on its merits when it is brought forward. That is not the proposition in the amendment. The amendment is confined to the position of District Justices who have presumably been qualified for that office. I ask that they shall not be disqualified for promotion.

**Major MYLES:** I think the amendment put forward by Deputy Johnson is a very fair attempt to help solicitors, as a body, a little on the upward path. I cannot agree with the arguments put forward by Deputy Redmond and Deputy Magennis. Naturally, in the first place they are biassed, and in the second place they confine their attack to one remark made by Deputy Johnson, that he would like to see the two professions amalgamated. That was the principal object of attack by both Deputies, and got away, to my mind, from the real point. The first thing that struck me on reading Section 44 was that the solicitors had got—at least those of them who had been through the ranks of the District Justices—a chance of further promotion, not as Deputy Redmond said, to the higher office, but only to the Circuit Court. I think if Deputies will look again at Section 44 they will see that at a first glance it might bear that interpreta-

[Major Myles.]

tion—that a District Justice who was a solicitor might be eligible for promotion to the Circuit Court. That is the way it struck me on a first reading. In this case I would ask the Executive to accept Deputy Johnson's amendment, because it is unfair that these solicitors should be placed on equal terms with barristers as District Justices, and then could go no farther, no matter what their record may have been, or how well they had done their work. I think they are entitled to go at least one step farther. There is a further point in reference to Deputy Johnson's amendment, and I suggest that he should add to it, after the word "solicitor," the words "including the time served as District Justice." I mention that because a District Justice can be appointed on six years' standing, but a Circuit Judge must have ten years' standing. You might inflict hardship on a particular District Justice who has only six years' standing, whereas if you count his service as a District Justice towards the ten years that are necessary, then you remove that difficulty.

**Professor MAGENNIS:** I protest against the misinterpretation, which I know, of course, is unintentional, by which I am represented as minimising or attempting to disparage the solicitors' profession. I repeat what I said. The solicitors' and the barristers' professions are different. They are wholly diverse occupations. That is not to infer that one is inferior to the other. The last Deputy used the words that the path upward should be made easy for the solicitor. Now what is really at the back of Deputy Johnson's mind? If I may be allowed to interpret what he has not chosen to bring up into a clearer consciousness, is the conception of a judge as the Cadi under the tree—any man of common sense, with considerable experience of life, sanity of judgment, and breadth of view is as well able to be a Judge of the High Court as any other man with the same qualification. Now I might as well profess to be an electrical engineer and practise it because electricity was part of my course in physics for the University examination. It all comes down to

this—the fallacy that because a solicitor and a barrister are both lawyers, and as a court of law is dealing with law, therefore, they are both equally fit to function as Judges in a court of law. It is not because the solicitor, as a man and brother, is worse by being a solicitor than if he had been a barrister. It is not because he has less ability and aptitude, or that he got a worse education. It is because the line of life of the avocation which he pursues every day is one that fits him in peculiar fashion for the discharge of certain functions, and the avocation of the barrister fits him for quite other functions. Deputy Johnson does not see that practice before a High Court Judge is the fittest apprenticeship for being on the Bench of the High Court. It is not everyone who understands the laws of evidence, what is admissible to be put in evidence, and what is not. All sorts of delicate and subtle questions arise that do not fall into the every-day work of the solicitor. If a client came to a solicitor and put questions about these things to him he would submit a case to Counsel. It is a most important differentiation of functions. Furthermore, I may mention, incidentally, that a disappointed client may take an action against a solicitor for wrongful conduct of his case. The barrister is immune. There is a reason for that.

**Mr. JOHNSON:** Hear, hear.

**Professor MAGENNIS:** Deputy Johnson finds he has discovered something dreadful, something that proves the barristers' profession a horrible thing. What is the reason? Every Deputy in the Dáil is immune from prosecution for slander, no matter how slanderous he may become. Why? Because in the public interest it is most desirable the risk should be taken that men would abuse their privilege rather than that the privilege should not exist for the free criticism of public affairs. Similarly there is this differentiation. The point really is this: the special apprenticeship for service on the Bench is got in the practise before the courts. To call it pleading, as Deputy Johnson chose to call it, is to lose sight of the more important part of the work Counsel does.

**Mr. JOHNSON:** May I just point out that the clause as it stands allows a Justice who has been a solicitor to be promoted. It reads: "No person shall be appointed a Judge of the Circuit Court who is not at the date of his appointment a practising barrister of ten years' standing at least, or has not been a Recorder or a County Court Judge in Ireland, but service as a Justice of the District Court of Saorstát Éireann shall be deemed practice at the Bar for the purpose of this provision." So that, if a solicitor is appointed to be a Justice, and is a Justice sufficiently long he may be promoted, even as the clause stands.

The only question is whether that service shall be as long in the one case as in the other. Again, all I am asking the Dáil to agree to is to put them on a level in regard to their previous training. If the solicitor who is made a Justice can serve long enough under the clause as it stands, he may be promoted to the High Court, so that the effect of the amendment is not to alter the intentions radically at all. It is quite in consonance with the spirit of this clause. It is only altering a detail, and, therefore, I ask the Dáil to accept it.

**Captain REDMOND:** I am afraid I cannot allow Deputy Johnson's ingenious interpretation of this Section to go unchallenged. He evidently wants to make out that a number of years in the capacity of a District Justice will render a person a barrister. Unfortunately, I will give a free opinion on that subject, and I do so most readily, because, so far as I understand the law of the matter, no one can be admitted a barrister who has not been called to the Bar.

**Mr. JOHNSON:** That is only until this is passed.

**Captain REDMOND:** In reply to Deputy Johnson, much as I think of this Act and what it proposes to accomplish, I do not think it in any way repeals the rules governing the admission of members to the Bar. It is a very deep and difficult subject which he has just raised, because what a barrister is, and where he derives his status, and what that status carries with it, is a

matter which we could debate from now probably until this time to-morrow, but at the same time I think it would be treating the matter too lightly to allow a suggestion to go that this Bill purports to create, by a number of years' service, a member of the Bar. I would like also to draw the attention of the Committee to the real fallacy in Deputy Johnson's reasoning. There are two branches of the legal profession, and of that there is no doubt, no possible doubt whatever; but the two branches are as different as, let me say, a plasterer and a bricklayer. A bricklayer cannot go on with his work and has to call in a plasterer when it comes to plastering, because it is a plasterer's job. What I was anxious to convey was that there is an essential difference, not only in the training, but in the actual subject matter of a barrister's and of a solicitor's life. A client goes to a solicitor and states his case. The solicitor may be somewhat of a lawyer or he may not. A solicitor is very often a good lawyer, but probably the better the lawyer the solicitor is the more anxious will he be to secure counsel's opinion upon a case, because the business of a barrister is, first of all, to know as much law as he can, and it is impossible to carry all law about in one's head; but the next part of his business is to know where to find the law, as Deputy Magennis so well said. A solicitor, one may say, knows a certain amount of law and knows where to find it, but has not the time nor the opportunity to do so. He has to see his clients. He has to go to auctions and he has to look after a hundred and one very profitable things which, unfortunately, poor barristers, by their own very rules, are precluded from doing. Therefore, the two branches are entirely distinct, and as for pleading being an essential weapon in the barrister's armoury, it is nothing of the kind. Why, it is a well known fact that some of the greatest lawyers are the worst pleaders, and vice versa. What a barrister has to do is to discover the law in the archives of the law, in the records in existence. He has to search and research, and he has to have the time to do so, which a solicitor never could have if he were to attend to the other branches of his

[Captain Redmond.]

business. Therefore the experience has been, in these new countries, Canada in particular, and, I believe, also in America, that though they have tried the experiment it has been a colossal failure. In theory it is there, but in practice it is dead. Therefore I would appeal to Deputy Johnson once more, if he is so bent on this amalgamation of two trade unions, let him bring forward his proposal by way of a Bill on some future occasion.

**The PRESIDENT:** I am afraid I cannot accept the amendment. It is not the intention in the Bill that a person shall qualify by practising as a solicitor only, for appointment to a high judicial position. Two questions are raised. The first is whether there is a strong case on the part of either profession for this particular position of a Circuit Court Judge being left open to the solicitors' profession, or, on the other hand, whether in our judgment it would be in the interests of the administration of justice that a solicitor should be so appointed. Our information is that the solicitors' profession as a whole now accept the view which is in the Bill, and are not making applications for this particular privilege. If you could call it such. It is not a matter upon which I have expert knowledge, and I suppose that persons from either one or the other profession are better able to speak upon it than a layman. It has been put to me that while a solicitor practises—and I suppose the word "pleading" comes in—in a District Justice's Court the same facilities are not provided in the other Courts. That has been the practice up to this, I think. Consequently there was association with the judgments given in the District Justice's Court, but solicitors had not the same opportunity in the other Courts. I presume there are cases in which solicitors might be better judges but I suppose that we cannot at once perfect even our judicial machinery. The main question, as it presents itself to us, is that there is no strong case made by solicitors for this particular amendment, and the case in its favour is one more concerning the amalgamation of the professions. There are, I believe,

strong views held on that subject, certainly by one distinguished occupant of the Bench, but I do not think that it has attracted to itself any great support. Consequently it would be an experiment on our part if we were to make that departure, and it does not appear to us to be in the interests of the new system that we should adopt it.

Amendment put and negatived.

**Mr. DUGGAN:** I move "in line 13, after the word 'but,' to insert the words 'in the case of a Barrister'." That gets rid of the ambiguity Deputy Johnson referred to.

Amendment agreed to.

**Mr. A. O'SHAUGHNESSY:** I move "to add at the end of the Section the words 'provided that in the case of any Recorder or County Court Judge appointed a Judge of the Circuit Court, Section 42 shall not apply'." This is comparatively a small amendment, but it enables the Executive to continue some Recorders in their office. I had great pleasure in listening to the President giving such a glowing testimonial to the Recorder in Dublin. We can say similar things of the Recorder in Cork. What I ask you to do is in the interests of efficiency and economy.

**The PRESIDENT:** I think the farthest I can go is to have the general question considered if it should not be decided to apply the age-limit to existing Justices.

**Mr. O'SHAUGHNESSY:** This is not a question of age limits, but if you keep on the existing Recorders it must be at existing salaries. It is a question of enabling the Executive to pay those salaries which will be an economy and thereby you will retain the efficiency of those very able Recorders.

**The PRESIDENT:** There is nothing in the Act to prevent us keeping on one of those if we so desire.

**Mr. O'SHAUGHNESSY:** Section 42 reads:—

"Each Circuit Judge shall receive a salary of £1,500 per annum, and on retirement, after 15 years' service or upwards, or owing to age or permanent infirmity, shall be entitled for his life to a pension amounting to two-thirds of his salary."



Surely no one in possession of his senses would expect a man in receipt of £2,500 a year to work for £1,500 when he is entitled to two-thirds of his salary as a pension.

**Professor MAGENNIS:** Section 42 was not put or carried.

**AN LEAS-CHEANN COMHAIRLE:** Section 42 was put, but the amendment was withdrawn.

**The PRESIDENT:** If it should be decided to appoint any existing Judge, County Court Judge, or Recorder, it does not affect the salary he is in receipt of at the present moment.

Amendment, by leave, withdrawn.

Question: "That Section 44 as amended stand part of the Bill," put and agreed to.

#### SECTION 45.

The office of any Circuit Judge may be vacated by writing under his hand, and shall be vacated on his being appointed a Judge of the High Court or of the Supreme Court, and thereupon, or whenever the office of any Circuit Judge shall become vacant a new Circuit Judge shall be appointed in his place. In case of the illness of any Circuit Judge, a deputy may be appointed to act in his place, on the recommendation of the Attorney-General, on such terms as to payment of the deputy out of the salary of the Circuit Judge or otherwise as may be sanctioned by the Minister for Finance, provided however that no one other than a practising Barrister of ten years' standing at least in his profession shall be qualified for appointment as deputy of a Circuit Judge.

**Mr. E. ALTON:** I move:

In line 25, to add after the word 'appointed' the words 'by the aforesaid Circuit Judge,' and in the same line to delete the words 'on the recommendation' and to substitute therefor the words 'such appointment to be subject to the approval of the Attorney-General'."

This Section deals with the appointment of deputies in the case of the illness of a Circuit Judge, and it may

be possible, but it certainly is not inconceivable, that the Judge might put in a bogus plea of illness and take a holiday, leaving the salary of his deputy to be discharged out of the public purse. They have wisely guarded against that, but I do not think the drafters of the Bill have taken into consideration the temperament of the hard-working conscientious Judge who would be reluctant to declare himself ill, and would carry on possibly to die in harness.

I think we should not take away from such a man the privilege of nominating his deputy. I can conceive such a Judge being reluctant to hand over his work to a stranger. If possible I would like to secure this privilege for the Circuit Judge in case of illness. Abuse of the privilege would be provided against by making it a condition that such nomination should be approved by the Attorney-General. It is the general principle that I am interested in. Some regard should be had for the feelings of a deserving public servant when he is ill.

**The PRESIDENT:** I take it that the Clause would then read, "the deputy may be appointed by the aforesaid Circuit Judge." I think the Deputy will admit that that would be contrary to the Constitution.

**Mr. ALTON:** Nominate, I should have said.

**The PRESIDENT:** Well, even that, I am afraid, would scarcely be acceptable.

**Mr. ALTON:** Perhaps I would be set aside with the assurance that in practice where it was possible a Judge, in the event of illness, would be consulted as to his deputy.

**The PRESIDENT:** I would undertake in the meantime to examine what the practice had been, but as far as I know no County Court Judge did ever recommend to us the appointment of his substitute or deputy in the case of illness.

**Mr. ALTON:** I was informed that frequently a Judge, in the event of illness, did recommend his deputy. I can see that the privilege could be

[Mr. Alton.]  
abused, and I want to avoid that, but I would be glad if the President would look into the matter.

**The PRESIDENT:** I will look into the matter by the next Stage, but it certainly is not my information that that applied up to this.

**Professor MAGENNIS:** I beg to move—In lines 26 and 27, to delete the words “out of the salary of the Circuit Judge or otherwise.” What lies behind this amendment is, I am sure, fairly obvious. “In case of the illness of any Circuit Judge a deputy may be appointed to act in his place on such terms as to payment of the deputy out of the salary of the Circuit Judge or otherwise.” Let us consider for a moment what the position of the Circuit Judge will be. Deputy Redmond has already enlarged, and I need not follow him, on the very considerable increase, not merely in jurisdiction and consequently in heaviness of work for the Circuit Judge, contrasted with the present County Court Judge, but in regard to the area over which his jurisdiction extends, and consequently the increased number of points at which he shall have to sit. No provision is made in the Bill, though it was suggested in the Judiciary Committee’s recommendation, that provision should be made to allow the Circuit Judge the expenses of circuit as at present allowed in the case of the County Court Judge, so that the miserable salary—for without rhetoric at all, it must be called a miserable salary—of £1,500 a year is to be chargeable with the cost of the circuit, and also to be liable to be drawn upon for the remuneration of a deputy, if unfortunately the Circuit Judge falls ill and is absent from his work for any period. I suggest seriously that the circumstances of his work will almost inevitably produce at least one annual illness. The work will occupy him, it is calculated, some ten months of the year. He will have no home. If he is a married man his wife and children will have a home, but it will not be within the ambit of his circuit, and that will be a further cost, by the way, an additional charge upon his revenue. He will be obliged for ten months of

the year to spend his life in hotels, a large part of the day in a stuffy and unwholesome courthouse, a large part of the night in trying to digest both law and a hurried meal, such as an hotel would be able to afford, and in these circumstances he is always confronted with the spectre that he must not be ill. If he is ill his position will gradually become so bad that he shall have to retire altogether. The Chief Justice, no doubt, will be notified that he is rendered incapable of discharging his duties.

That £1,500 a year, remember, is not only subject to these charges I have referred to, but has to bear income tax as well. It would be easy to make a lightning calculation and show what the effective value of the income would be. Suppose, as I venture to hope, the Government will see that it is to the interests of the administration of law that this great measure by which they decentralise and create Circuit Courts, should carry with it a **larger salary** to make it worth while for men of competence to take the positions. When they are up to £2,000 and over in income they come under super-tax, so that after all, even an increase from £1,500 to £2,000 would not benefit them greatly, and all the time they would be obliged to provide themselves with the latest law books, a very considerable item of expenditure. Law books, in a country where the Legislature is so prolific in new legislation as the Saorstát has been, go out of fashion as rapidly as a lady’s dress or hat. It is said that if a woman of fashion to-day does not get her new dress delivered by express it will be out of fashion before it reaches her. Law books, which are very expensive because of their limited circulation, go out of date very rapidly, and one must buy the last edition. Some astute lawyer pleading before a Circuit Judge will catch him napping if he is quoting from the edition before the last and is misled. It is true that in the Bill as it stands a provision is made for recommending that the State should bear the cost of this, but it is quite possible that the State might harden its heart. Not all Attorney-Generals are like the present Attorney-General, and in future a Circuit Judge may suffer severely from the decision of

an Attorney-General who never knew even the pangs of toothache. I suggest, therefore, that this amendment might be accepted. It is conceivable that it would not add a very great burden to the State, and on the other hand it would serve to ameliorate a position that requires all the amelioration that we can provide.

**Mr. T. J. O'CONNELL:** I wish to support this amendment. It seems to me to be extremely unreasonable to expect that a Judge who becomes ill and has to bear the cost of his illness should, in addition to that expenditure, have to provide for the payment of his substitute. I cannot concede what possible object could be behind this provision unless the idea was, as suggested by Deputy Alton, that the Judge might not be over-conscientious and might wish to take a holiday and have a substitute paid. In that case it would be for the authorities or for the Attorney-General to judge whether the plea were genuine or not. If the illness were not genuine he should get no substitute, but if it is, and if, because of the illness, he has to bear much increased expenditure, I think it is only fair that he should not be called on to pay the salary of a substitute. After all, if the substitute is a good man he will require almost, if not the same, salary as that paid to the Judge himself. If that were done, or even if a considerable proportion of the Judge's salary were taken to pay the substitute, it would be a very great hardship indeed on a man who was absent owing to illness.

**Captain REDMOND:** In support of this amendment, I do not think that any great business concern of any standing insists upon its servant paying for a substitute during a genuine illness, and I think it would be casting a serious reflection on the character and integrity of our future judges if we were to allow these words to remain in the Section. As far as safeguards are concerned one has always the doctor's certificate to fall back upon, and a doctor's certificate can be produced, and as we know that cannot be produced except in a genuine case. Therefore, I do not think for a moment that it will be suggested that the future judges will misdeemean

themselves to such an extent as would seem to be implied by the words in this Section in seeking to safeguard against it, and I would appeal to the Government to allow this amendment to stand.

**Mr. JOHNSON:** There is a rather more important aspect of this, I think, which would induce me to support the amendment. The clause as it stands reads "on such terms as to payment of the deputy out of the salary of the Circuit Judge, or otherwise, as may be sanctioned by the Minister for Finance." The effect of that is to bring a political Minister into a position of authority over the judge, and possibly to make selections and to give favour to one as compared with another. He may sanction in the case of one sick judge, and he may refuse to sanction in the case of another sick judge, and that places him in the position to patronise one in contrast with another, to give favours which should not be allowed, and I think that fact alone is overwhelming in the case for the deletion of these words.

**Major COOPER:** When I first read this I was opposed to it, because I thought of the taxpayer's 7 o'clock. interest, and I thought it was going to place an additional burden on his shoulders. I have thought it out since, and I am not at all sure that it is not designed to save the taxpayer. Take the case of a judge who was severely ill, say, for a year. If under the Bill as it stands he had to pay a substitute he would presumably have to pay the whole of his year's salary to him. If, on the other hand, at the beginning of his illness, he sent in a certificate that he was very seriously ill and wished to retire he would only forfeit one-third of his salary, and the taxpayer would have to pay his pension for the rest of his life, so that, on the whole, I think this amendment could be supported even in the interests of the taxpayers.

**Mr. McGOLDRICK:** I am sorry I must disagree with the Deputies on this question. It resolves itself into a question of insurance, whether the taxpayer is to be called on to pay the insurance of the judges against ill-

[Mr. McGoldrick.]

ness, or whether they should be called upon to insure themselves. If you once adopt the principle that the taxpayer is to insure any official against illness you are proceeding on the wrong road. We are here in the interests of the taxpayers and not of the judges.

**Mr. HEWAT:** I would like to support the amendment. I think it is an improvement on the Section. As the Section stands it seems to me to lower the status of the judge very much. Apart altogether from the question of remuneration, it is an unnatural thing to say that a man in the position of a judge is penalised because he is subject to an illness. I think that the man who is appointed as a Circuit Court Judge should be secured and insured in his position and emoluments.

**The PRESIDENT:** I am not altogether satisfied with the case made. We must examine it from two angles. First of all, it is put up that because the salary is £1,500 a year he cannot possibly afford to be ill—and when we say ill we must understand that there are various classes of illnesses—and, consequently, if we give way on this, and that we are subsequently asked to reconsider the salaries, those so concerned get two benefits instead of one. I would suggest that if we are going to consider the salaries, or if it will be put up to us to consider them, in respect of Circuit Court Judges, that this matter at any rate should not be decided now, but should wait until then. I think it should be solved very soon.

**Professor MAGENNIS:** In that case, with permission, I withdraw the amendment.

Amendment, by leave, withdrawn.

**Captain REDMOND:** When is it likely that the question of salaries will come up for consideration?

**The PRESIDENT:** I think it is likely to come up on the Report stage. The Minister for Finance, as such, in my experience never considered any question of a political issue. The political side of a question never appeals to the Minister for Finance. As a matter of fact, the ordinary practice in regard

to a matter of this sort is that it filters through the Department before it reaches the Minister, and the recommendation is made by persons who never consider the policy of the question at all. It never enters into it. If it were to be coloured by politics at all the man would not be fit to be a Minister. I can assure the Deputy he can disabuse his mind of any bias in that respect.

**Mr. JOHNSON:** The President is quite astray if he thinks for a moment that I am suggesting that the Minister for Finance is going to be influenced by politics or political questions. I am not thinking of the Minister for Finance, that we know, but this Bill will deal with the future, and politics may not enter into the matter in the slightest degree, but if there is to be discretion in the Ministry of Finance, if there is to be discretion in the political side of the State as to the payment of a judge, that is a very great weakness and places the judge in a position of subordination to the Minister for the time being, whoever that may be.

Now, there should be no discretion; if there is to be payment for a substitute out of the salary, let it be applicable in all cases, but let there be no discretion in the matter because the discretion as to the amount of salary or allowance or bonus or gifts in regard to judges, if it happens to remain with a Ministry, opens the way to a possibility of favour being shown, and that should not be thought of as a possibility. I hope, if this matter is not going to be decided now, that portion of the Section ought certainly to be deleted. My plea is not on the main question, but on the question of discretion, and I think the discretion should not lie with the Minister or Ministry at any time.

**The PRESIDENT:** The Ministry of Finance in this case is a different institution to any others. The Minister for Finance has got to have a veto on certain outgoings. He should. It is our experience that in this matter of illness it is usually traded on unless there is some corrective. Granted that clause gets in here, there is no reason why it should be inserted elsewhere. I

have no objection, nor has anybody I have ever heard of, to paying for *bona fide* illness, and I am not satisfied where provision is made for the payment of an illness allowance that it has been a *bona fide* illness at all, from my experience of administration.

**Mr. JOHNSON:** The Judge is not a servant of the State.

**The PRESIDENT:** He is a servant of the State.

**Mr. JOHNSON:** Not in the actual sense, a servant of the State.

**The PRESIDENT:** Whether he likes it or not any person occupying a public office, or performing public duties, is a servant of the State. He is paid by the State, and the State has a right to see that its money is well spent.

**Mr. DARRELL FIGGIS:** In view of what the President has stated, would it not be better when considering the matter again upon Report, if the fear that he has expressed, that claims of illness may be taken advantage of, should be definitely and specifically provided against?

**Professor MAGENNIS:** On a point of order, I beg to say I withdraw the amendment.

**AN LEAS-CHEANN COMHAIRLE:** I understand the Deputy is speaking on the main motion.

**Mr. JOHNSON:** It is only by general agreement that an amendment can be withdrawn. It seems to me that it is very desirable that this matter should be thoroughly discussed.

**AN LEAS-CHEANN COMHAIRLE:** I understood the amendment was withdrawn.

**Mr. JOHNSON:** It could not be without general leave.

**Mr. DARRELL FIGGIS:** Not without agreement. If a Deputy desires to put an amendment and then desires to withdraw it, and some other Deputy desires to pursue that amendment, it is entirely within that Deputy's right to pursue the amendment if he so wishes.

**Professor MAGENNIS:** At the time

I intimated my intention to withdraw the amendment, no one protested.

**AN LEAS-CHEANN COMHAIRLE:** The amendment was not put from the chair.

**Mr. DARRELL FIGGIS:** I am dealing with this matter, not because I desire to pursue this amendment, but because the President has stated he will re-consider the matter. I suggest it could then be re-considered in regard to the question of salaries. He has further stated, what everybody knows to be true, that pleas of illness have been taken advantage of. In that case, would it not be better to make specific provision against such advantage being taken of pleas of illness, rather than put a clause in to this effect which, as it stands now in the Bill, means that a person holding so high a position as that of a Circuit Court Judge will be in a worse position than a clerk in an ordinary mercantile house who, if he is ill and if his employer has ascertained that his illness is genuine, will still receive payment of his salary. That is the case with a clerk in a mercantile house, and it is at least just in the case of a Circuit Court Judge. Let the employer in each case ascertain that the illness is a genuine one, and then continue to bear what it is only equitable that the employer should bear, the salary that has been incurred.

**Professor MAGENNIS:** Perhaps on the Report Stage Deputy Figgis will propose an amendment to the effect that no Circuit Court Judge shall fall ill unless with the previous permission of the Attorney-General?

**Mr. JOHNSON:** I would like just to draw attention to Article 68 of the Constitution:—“The age of retirement, the remuneration and pension of such Judges on retirement and the declaration to be taken by them on appointment shall be prescribed by law; such remuneration may not be diminished during their continuance in office.” Now that implies a definite amount of remuneration to be fixed by law. It does not allow, I submit, of chance reductions at the discretion of any political officer. It seems to me

[Mr. Johnson.] that the intention of that clause in the Constitution is, that the remuneration shall be a fixed sum known, and that no authority within the State, without an alteration in the Constitution, shall be allowed to diminish the amount of that remuneration during their continuance in office. I ask the Dáil whether, in view of that clause in the Constitution, this Section should be allowed to pass in its present form?

**Professor MAGENNIS:** Unfortunately for the argument the article in the Constitution refers to the Judges in the High Court and the Supreme Court.

**Mr. JOHNSON:** "And to all other Courts established in pursuance of this Constitution."

**Professor MAGENNIS:** Article 68 says: "The age of retirement, the remuneration and the pension of such Judges on retirement and the declarations to be taken by them on appointment shall be prescribed by law; such remuneration may not be diminished during their continuance in office. The terms of the appointment of the Judges of such other Courts as may be created shall be prescribed by law." This Article refers to the Supreme Court and the High Court. What is applicable here is the terms of appointment of the Judges of such other Courts as may be created, shall be prescribed by law. There is a general provision with regard to Judges of the inferior Courts.

**Mr. JOHNSON:** I again would submit that the intention regarding the independence of the Judges is to apply to all Judges, and it is just as important, possibly even more important, that in the case of Judges who are dealing with cases which affect the common people more than the propertied minority, the cases, shall I say, of the majority of the people are more likely to be affected by the administration of justice in the lower Courts than in the higher Courts. If a clause relating to the independence of Judges in the Constitution is necessary for Judges of the High Courts to preserve their independence of the Executive, then even more necessary is it a clause for Judges

in those Courts to which a larger number of people are brought into contact, so that they should be equally independent of the Executive. The Section of the Constitutional provision which makes the remuneration a fixed sum ought to have equal weight in respect to the lower Courts.

**Mr. HEWAT:** Would the Government take time to consider that amendment?

**Professor MAGENNIS:** They have promised to do so.

**The PRESIDENT:** I must say that I have never heard of this particular clause interfering with the independence of the County Court Judges.

**Mr. JOHNSON:** There has not been the confidence in the County Court Judges hitherto that we desire there should be. That has been argued here several times. It certainly has been the belief that the Judges were influenced by the Executive in the past. Now, this is one way whereby they may be influenced by the Executive, and it is an extra safeguard, and it seems to me a very important safeguard to achieve the end for which the Bill itself was put before us, to remove the possibility of doubt in the matter that the administration of the law in the future should not be suspect.

**Professor MAGENNIS:** On a point of order, I would like to have your ruling. Deputy Captain Redmond and I, who tabled this amendment, are quite satisfied with the statement made by the President, and desire to withdraw the amendment. If the Deputies seek to press the amendment, can they do so without moving the amendment, and can they move the amendment without giving notice?

**Mr. JOHNSON:** On a point of order, may I submit that once an amendment is moved it is the property of the Dáil, and only by general leave can it be withdrawn. Now, the only question that has arisen which has urged me to keep this matter open was the promise of the Minister, who said he was only going to deal with the question of whether, in fixing the salaries at a later stage, he would deal with the pos-

sibilities of this being deducted. I am dealing with the discretion of the Ministry, and if the Minister will promise that that also will be recon-

sidered, I am prepared to agree to the withdrawal of the amendment.

**The PRESIDENT:** I am afraid I can give no undertaking.

The Dáil divided: Tá, 9; Níl, 53.

Tá.

Tomás MacEoin.  
Tomás de Nógla.  
Tomás O Conaill.  
Aodh O Cúlacháin.  
Liam O Daimhín.

Eamon O Dubhghaill.  
Domhnall O Muirgheasa.  
Tadhg P. O Murchadha.  
Pádraig O hOgáin (An Clár).

Níl.

Richard H. Beamish.  
Earnán de Blaghd.  
Séamus Breathnach.  
Seoirse de Bhulbh.  
Próinsias Bulfin.  
Séamus de Búrca.  
John Conlon.  
Henry Coyle.  
Louis J. Dalton.  
Máighréad Ní Choileáin Bean Uí  
Dhrisceóil.  
Patrick J. Egan.  
Seán de Faoite.  
Henry J. Finlay.  
John Good.  
John Hennigan.  
William Hewat.  
Conor Hogan.  
Tomás Mac Artúir.  
Seosamh Mac Bhrighde.  
Alasdair Mac Cába.  
Domhnall Mac Cárthaigh.  
Liam T. Mac Cosgair.  
Pilib Mac Cosgair.  
Séamus Mac Cosgair.  
Maolmhuire Mac Eochadha.  
Pádraig Mac Fadáin.

Seán P. Mac Giobúin.  
Risteárd Mac Liam.  
Seoirse Mac Niocaill.  
Liam Mag Aonghusa.  
Pádraig S. Mag Ualghairg.  
Patrick McKenna.  
Martin M. Nally.  
John T. Nolan.  
Peadar O hAodha.  
Micheál O hAonghusa.  
Christóir O Broin.  
Seán O Bruadair.  
Próinsias O Cathail.  
Séamus N. O Dóláin.  
Micheál O Dubhghaill.  
Peadar S. O Dubhghaill.  
Pádraig O Dubhthaigh.  
Eamon S. O Dúgáin.  
Micheál R. O hÍfearnáin.  
Aindriú O Láimhín.  
Fionán O Loingsigh.  
Thomas O'Mahony.  
Séamus O Murchadha.  
Seán M. O Súilleabháin.  
Andrew O'Shaughnessy.  
Seán Priomhdhaill.  
Liam Thrift.

Amendment declared lost.

Question "That Section 45 stand part of the Bill," put and agreed to.

**Professor MAGENNIS:** I move that you report Progress, and ask leave to sit again.

**Mrs. COLLINS-O'DRISCOLL:** I beg to second.

Motion put and agreed to.

### DAIL RESUMES.

Progress reported. Committee to sit again on Friday, October 12th.

**Mr. JOHNSON:** Can the President tell us what will be the effect of losing this hour on the Committee Stage of this Bill? Will it mean that at the sitting to-morrow we will have to take up this Bill and is it going to have an effect on next week's business?

**The PRESIDENT:** We will have no business next week. The question is whether we could get through this stage of the Bill to-night and to-morrow. It was represented to me by a number of Deputies that they had engagements at 8 o'clock this evening, and some others that they had engagements at 8.30. I do not think it would be possible for us to finish the Committee Stage of this Bill to-day and to-morrow, so we will have to leave some of it over until we meet again. At any rate it is not intended to sit next week.

**Mr. JOHNSON:** Does that mean that the Bill will be held over for a week or a fortnight?

**The PRESIDENT:** The Committee Stage will not be resumed for a week or a fortnight after we adjourn this week. The Committee Stage might be resumed to-morrow when we have cleared off the two other Bills we have down. I am not sure whether Deputy Major Cooper asked me to take up the Governor-General's speech to-morrow.

**Major COOPER:** I would as soon leave it over. There might be some difficulty in keeping a House if we had

only the Governor-General's speech to-morrow.

**The PRESIDENT:** I propose to resume the Committee Stage of this Bill to-morrow as soon as we have finished the other two Bills. I move that the Dáil do now adjourn until 12 o'clock to-morrow.

Question put and agreed to.

Dáil adjourned accordingly at 7.35 p.m.



# **DÁIL EIREANN**

**DÉ hAOINE, 12ADH DEIRE  
FOGHMHAIR, 1923.**

*(Friday, 12th October, 1923.)*

Do chuaidh an Ceann Comhairle i g-ceannas ar 12 a clog.

## **CEISTEANNA.—QUESTIONS. ORAL ANSWERS.**

### **CITY LIFE ASSURANCE COMPANY, LTD. (IN LIQUIDATION).**

#### **IRISH POLICY HOLDERS' INTERESTS.**

**TOMAS MAC EOIN** asked the Minister for Industry and Commerce if he has found it possible to take any action to safeguard the interests of Irish Policyholders of the City Life Assurance Company, Ltd. (in liquidation), and whether he is satisfied that reasonable control over Industrial Assurance Companies now operating in Ireland, with a view to ensuring their solvency, is possible under existing legislation; or whether any legislation on the lines of the Industrial Assurance Act, 1923, passed by the British Parliament, is contemplated.

**MINISTER for INDUSTRY and COMMERCE (Mr. J. McGrath):** The Ministry has taken steps to keep in touch with the proceedings for the winding up of this Company, and have no reason to believe that Irish policy holders will be at any disadvantage as compared with other creditors in such proceedings. The necessity for promoting legislation on the lines of the British Industrial Assurance Act, 1923, is under consideration.

### **UNEMPLOYMENT BENEFIT.—A KILDARE CLAIM.**

**AODH O CULACHAIN** asked the Minister for Industry and Commerce what is the reason for withholding pay-

ment of unemployment benefit, due to Patrick Flanagan, of Waterstown, Kildare, Co. Kildare, Card No. 2945, who has been signing up in the Labour Exchange, Droichead Nua, since the middle of February last; further, in view of the fact that this man is destitute, whether enquiries will be made with a view to expediting payment.

**Mr. J. McGRATH:** Patrick Flanagan claimed benefit at Droichead Nua Branch Employment Office on the 14th February, 1923. In consequence of the distance he resided from the local office he was not required to attend daily to prove unemployment. He was, however, required to give proof of unemployment in the other form prescribed for applicants who live at a distance—i.e., he was asked to produce each week a certificate signed by himself and two householders to the effect that he was unemployed and unable to obtain suitable employment. He failed, however, to produce satisfactory proof of unemployment and consequently payment could not be made on his claim. I should add that he had received a considerable amount of benefit on a previous claim on certificates which, on investigation, it was found had not been signed by the persons whose signatures they purported to bear. He made a further claim in July last, which he also failed to substantiate.

### **TRADE UNION ORGANISER'S IMPRISONMENT.**

**SEAN BUTTLEIR** asked the Minister for Home Affairs whether he is aware that Mr. J. Baird, Organiser, Irish Transport and General Workers' Union, who is held in custody in Kilkenny Jail under the Public Safety (Emergency Powers) Act, 1923, has been on hunger strike since October 4th, as a protest against his being placed in close confinement, being deprived of his bed, and being debarred from receiving letters and parcels, as a result of his refusal to do whitewashing work; whether there is any authority for requiring untried prisoners to do work of this kind; and whether he will ensure that Mr. Baird, who has been visited only once by a doctor, shall receive adequate medical attention.

**MINISTER for HOME AFFAIRS (Mr. K. O'Higgins):** The Minister for Defence will answer this question.

**Mr. JOHNSON:** Is that a matter for the Minister for Defence?

**AN CEANN COMHAIRLE:** The Minister for Home Affairs has stated the Minister for Defence proposes to answer it.

**MINISTER FOR DEFENCE (Genl. Mulcahy):** In accordance with the usual practice, Mr. Baird was expected to take his share of the cooking, cleaning and light maintenance work, such as whitewashing, required to be done in the jail. He refused to do anything, and as a disciplinary measure was awarded close confinement and debarred from receiving letters and parcels for seven days, but was not deprived of bedding. Mainly, it appears, as a protest against his internment, he commenced a partial hunger strike on the 5th instant. He takes a little food and some tea. Until the 8th instant Mr. Baird received due attention from a medical orderly, and since that date from a medical officer.

**Mr. O'CONNELL:** Would the Minister say whether Mr. Baird is in military or civil custody?

**General MULCAHY:** Mr. Baird is in military custody.

### GLASGOW MAN'S ARREST.

**TOMAS MAC EOIN** asked the Minister for Defence whether he is prepared to order the release of Charles Fricze, a native and resident of Glasgow, who was arrested while on holiday in Dublin in July, 1922, and who is now detained in custody in No. 857, Hut 17, No. 3 Camp, Tintown, Curragh.

**General MULCAHY:** The release of Mr. Fricze has been recommended and is being arranged for forthwith.

### CASTLEREA CANTEEN SUPPLIES.

**TOMAS O CONAILL** asked the Minister for Defence if he can say when the account for canteen supplies furnished by Messrs. Glavey Brothers, Market Square, Castlereagh, and which account is now some ten or twelve

months overdue, will be paid; whether he is aware that Messrs. Glavey have made repeated applications for payment of this account without effect.

**General MULCAHY:** Enquiries are being made locally, but they have not yet been completed.

### WRIT FOR NATIONAL UNIVERSITY.

**AN CEANN COMHAIRLE:** I have received the following notice from the Clerk:—

TUARASGABHAIL I DTAOBH CUR  
AMACH RITEACH I gCOIR DAIL-  
CHEANNTAIR PHRIOMH-SCOILE  
NAISIUNTA NA hEIREANN.

REPORT AS TO ISSUE OF WRIT  
FOR THE CONSTITUENCY OF  
THE NATIONAL UNIVERSITY OF  
IRELAND.

I gcó-líona Buan-Ordú 120 de Bhuan-Orduithe Dháil Eireann tá orm a thuairisciú gur dhineas ar an 11ad Deire Foghmhair, ar ordú ón gCeann Comhairle agus do déir na bhforálacha ina thaobh san atá san Acht Timpeal Toghachán, 1923, mo rit do chur amach go dtí Pádraig MacMeanman, Ceann Comhrimh, chun ball do thogha don fholúntas atá in ionadaíocht Dáilcheanntair Phríomh-Scoile Náisiúnta na hEireann sa Dáil.

In compliance with Standing Order No. 120 of the Standing Orders of Dáil Eireann, I have to report that on the 11th October, on the direction of the Ceann Comhairle and pursuant to the relative provisions of the Electoral Act, 1923, I issued to Mr. Patrick J. Merriam, Returning Officer, my writ for the election of a member to fill the existing vacancy in the representation in the Dáil of the Constituency of National University of Ireland.

### REPORT OF SESSIONAL COMMITTEE.

**AN CEANN COMHAIRLE:** Before we enter upon the business of the day, I would like to mention that I have received a report of the Sessional Committee of Selection. I do not know

whether Deputies would like to take that report as the first business of the day?

The Dáil agreed.

The following is the report of the Committee:—

Pursuant to Resolutions passed by the Dáil setting up this Committee, defining its powers, and authorising it to make nominations to the Committees hereinafter mentioned, a meeting was held on 11th October, 1923, at 11.30 a.m.

The Committees dealt with in the Resolutions were three, viz.:—

- (1) The Committee on Procedure and Privileges;
- (2) The Committee to prepare and submit Draft Standing Orders for the regulation of Private Bill Business, and
- (3) The Committee to supervise the internal accommodation arrangements for members of the Oireachtas and to control the Restaurant.

The Committee decided to make the following nominations to the said Committees:—

- (1) **THE COMMITTEE ON PROCEDURE AND PRIVILEGES:** Deputies MacCarthy, Hughes, C. O Broin, Nicholls, P. O'Máille, Sears, Cooper, Figgis, Johnson, Wilson and Conlon—(11).

In this case the Committee recommend that the Ceann Comhairle be also a member of the Committee and its Chairman, and to permit this being done request the Dáil to make the necessary changes in the Resolution of Reference, viz., fixing the membership of the Committee at twelve, and appointing the Ceann Comhairle a member of the Committee and its Chairman.

- (2) **THE COMMITTEE ON PRIVATE BILL STANDING ORDERS:** Deputies C. Hogan, Nagle, Cooper, P. O'Máille and MacCarthy—(5).
- (3) **THE COMMITTEE ON INTERNAL ACCOMMODATION:** Deputies White, Morrissy, A. Byrne, Hughes and C. O Broin.

11adh Deire Foghmhair, 1923.

PEADAR O hAODHA,

Cathaoirleach an Choiste.

Vol. 5.

**Mr. P. HUGHES:** I move formally the adoption of the report. It has been circulated. I may add that it would be well if the Ceann Comhairle would give a direction for the calling of the first meetings of those Committees.

**Mr. C. BYRNE:** I beg to second the motion.

Report adopted.

**AN CEANN COMHAIRLE:** That means the adoption of the names of the persons on the Committee. There is a point with regard to the Committee of Procedure and Privileges. The terms of the motion passed by the Dáil authorised the Committee of Selection to nominate eleven Deputies. The Committee have nominated eleven Deputies and have added: "In this case the Committee recommend that the Ceann Comhairle be also a member of the Committee and its Chairman, and to permit this being done they request the Dáil to make the necessary changes in the resolution of reference, namely, fixing the membership of the Committee at twelve and appointing the Ceann Comhairle a member of the Committee and its Chairman."

Agreed.

#### COMMUNICATION FROM SEANAD.

**AN CEANN COMHAIRLE:** The Clerk has received the following from the Seanad:—

"I am directed to inform Dáil Eireann that Seanad Eireann have appointed the following five Senators to join with the Committee of Dáil Eireann to prepare and submit draft Standing Orders for the regulation of Private Bill business:—Senators the Right Hon. Lord Glenavy, James G. Douglas, the Right Hon. Andrew Jameson, J. T. O'Farrell, and Patrick Williams Kenny.

"Sgd. EMMET DALTON."

#### DAIL IN COMMITTEE. COUNTY COURTS (AMENDMENT) BILL, 1923.—THIRD STAGE.

**AN CEANN COMHAIRLE:** This appears on the Order Paper in accordance with the agreement made yesterday.

**MINISTER for HOME AFFAIRS (Mr. K. O'Higgins):** I move Section 1 of this Bill, which provides that the Courts may be held otherwise than in the places defined by Statute. Sub-section 1 provides a kind of indemnity for any cases in which the Courts have already been held otherwise than in the statutory place. I think the Section needs very little exposition to the Dáil. In some places courthouses have been burned down or damaged, and it has not been possible for the County Court Judge to hold a court in that place. It is necessary to allow a change of place for the Courts, and this Bill is brought in to deal with that situation.

Motion agreed to.

**Mr. O'HIGGINS:** I move Section 2 of the Bill, which deals with the service of documents and provides that documents may be deemed to have been validly served if the judge is satisfied

(a) that it was not reasonably possible to effect service of such document in the manner required by the law, and (b) that such document, or a copy thereof, or reasonable notice of such document and of the contents thereof did in fact reach the person required to be served therewith.

Motion agreed to.

## SECTION

In this Act the expression "County Court Judge" includes a Recorder and a Judge of a Borough, and the word "Minister" means the Minister for Home Affairs.

**Mr. E. DUGGAN:** I move the following as an amendment: To insert before Section 3 a new Section as follows:—

"(1) If and whenever there shall not be in existence for either the current year or the next preceding year, such general juror's book or special juror's book respectively, as is mentioned in Section 17 of the Juries (Ireland) Act, 1871, it shall be lawful to return jurors from the general juror's book or the special juror's book (as the case may be) for the latest year for which such book is in existence, and also, if it shall appear to the Under Sheriff or other official liable to make the re-

turn of jurors that owing to deaths, removals or otherwise, it is not possible to form a sufficient panel from such book, it shall be lawful to return as jurors the names of such, and so many other persons who appear to the Under Sheriff or other officer aforesaid to be liable to serve as jurors as shall be necessary to form a sufficient panel.

"(2) Every person who shall be returned as a juror under the foregoing Sub-section shall be under the same liability to serve as a juror as if a general juror's book or a special juror's book (as the case may be) for the current year had been in existence, and the name of such person had appeared therein, unless such person shall satisfy the judge of the Court to which he is summoned as a juror that, if such book had been in existence, his name could not lawfully have been inserted therein.

(3) If any person whose name is not contained in such general juror's book or special juror's book (as the case may be) for the latest year for which such book is in existence, and whose name could not be lawfully inserted in the general juror's book (as the case may be) for the current year, shall be returned and sworn as a juror upon any trial without objection, such trial shall not be interrupted or deemed a mis-trial, nor shall the verdict thereon be impeached or questioned on account of the return of such person as a juror."

This rather lengthy amendment is capable of a very simple explanation. Under the existing law the Sheriff has power to empanel a jury from the jurors' book of the previous year. In possibly two or three counties there has been no jurors' book compiled for possibly two or three years, and the object of the amendment is to enable the Sheriff to empanel a jury from the last jurors' book compiled.

Paragraph 3 also requires a little explanation. It follows that if the Sheriff is operating on a Jurors' Book three or four years old that it might possibly happen, owing to deaths and removals, that he would not have a sufficient number of names to operate upon. It

is, therefore, provided that a man who would be eligible to act as a juror if empanelled without objection may so act.

New Section agreed to.

Sections 4 and 5 (Sections 3 and 4 in draft) put and agreed to.

### THE TITLE.

An Act to remove certain difficulties in relation to the holding of Quarter Sessions and Civil Bill Courts and the service of certain documents relating thereto.

**AN CEANN COMHAIRLE:** The new Section involves an amendment of the Title.

**Mr. DUGGAN:** I move as an amendment :—

To delete the words "service of certain documents relating thereto," lines 11 and 12, and insert in lieu thereof the words :—

"return of jurors and the service of documents in relation to such Courts."

It is consequential on the amendment already passed.

Amendment put and agreed to.

Motion made and question put : "That the title, as amended, stand part of the Bill."

Agreed.

### DAIL RESUMES.

**AN CEANN COMHAIRLE:** The Bill is now reported to the Dáil, with the addition of a new Section and an amendment of the Title. If the Bill is to be taken through all its stages now it will be necessary to ask for leave.

**Mr. O'HIGGINS:** I beg to ask for leave to take the remaining stages immediately.

Agreed.

**Mr. O'HIGGINS:** I move that the Bill be received for final consideration.

Agreed.

**Mr. O'HIGGINS:** I move that the Bill do now pass.

Agreed.

**AN CEANN COMHAIRLE:** The Bill will be accordingly sent to the Seanad.

### DAIL IN COMMITTEE.

### LICENSING (RENEWAL OF LICENCES) BILL, 1923.

### THIRD STAGE.

**Mr. O'HIGGINS:** Section 1 provides that licences which were not renewed owing to the conditions in the country may be deemed to have been validly renewed. The object of the Bill is to meet that situation in the country.

Sections 1 to 5 put and agreed to.

### THE DAIL RESUMES.

Bill reported without amendment and passed (by leave of the Dáil) through all remaining stages.

### THE DAIL IN COMMITTEE.

### THE COURTS OF JUSTICE BILL, 1923.—THIRD STAGE RESUMED.

Section 46 put and agreed to.

### SECTION 47.

The Circuit Court shall be a Court of Record.

**Major BRYAN COOPER:** I amendment No. 11 :—

"To delete the Section."

I put down this amendment, not because I want to destroy the Bill, but because I should like a little information on this point. I have been discussing the Bill with several solicitors and I find that in almost every case they give a different interpretation to this Section, that is, a different interpretation of how it would be and how it would work. I gathered that the intention is that the Circuit Court should be a Court in which when no defence is entered, judgment is given without the case being pleaded in Court at all. In the present case in the County Court it is necessary for you to have your Counsel to put your case and plead your case, even if the defendant does not appear. If the Court is a Court of Record these things will be done simply in the office. If no evidence is tendered it will be done in the office, and the decree will be issued. I think that is an admirable

## [Major Cooper.]

provision. I should like a little information about the machinery, how this is to be done. Is our Circuit Court to have a Central Registry, where this work will be done, or is it to be done by Clerks of the Peace in each separate county, as it was more or less done in the past?

I think the Central Registry, if that is contemplated, will not work very well. Take the North-East Circuit, to which Deputy Redmond referred. Presumably it will be fixed at some central point, say, Navan or Naas. In that event a solicitor in Dundalk, who does not want to come to Navan or Naas to get things registered, would sooner come to Dublin, and if it is the intention of the Government to have a Registry of this kind in each Circuit I think it would be advantageous to have also an alternative Registry in Dublin, with the right to register, because every solicitor in the country has an agent in Dublin to act for him.

**The PRESIDENT:** This Section is deemed to be of very great importance, in every respect, and the suggestion to delete it cannot, of course, be accepted. It makes the Court a Court of Record with power to punish for contempt, and it is deemed necessary that the Circuit Courts should have this power which the County Courts had. Moreover, the question of a Court being a Court of Record is of very great importance, having regard to the law of estoppel, and I understand there may be a General Registry.

**Major COOPER:** In these circumstances I ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.  
Section put and agreed to.

## SECTION 48.

The Circuit Court shall have and exercise the following jurisdiction in civil cases:—

- (i) On consent—Jurisdiction without any limit as to amount of claim or value of property involved in the proceedings of the Court where all necessary parties sign, before the hearing, the form of consent prescribed by the rules to be made under

this Part of this Act; such consent may provide that the decision of the Circuit Court shall be final and conclusive, in which case the decision shall not be appealable.

- (ii) In Contract and Tort (save matrimonial and criminal conversations actions)—Jurisdiction when the claim does not exceed £300.
- (iii) In Title to Land and Rectification of the Register—Jurisdiction when the Poor Law Valuation of the property in question does not exceed £60.
- (iv) In Probate matters and actions, and Actions for Administration of Estates—Jurisdiction when the value of the personality does not exceed £1,000 and the Poor Law Valuation of the realty does not exceed £60.
- (v) In Equity (including winding-up of companies)—Jurisdiction within the same limits as in the preceding Sub-section (iv) and in winding-up cases where the issued capital of the company does not exceed £10,000.

Provided that nothing herein shall take away or prejudice the right of any party to any action to have questions of fact tried by a jury of twelve members, in such cases as he might heretofore of right have so required, and with like directions as to law and evidence, but the provisions of Section 24 hereof shall apply to any such trial before a Circuit Judge and jury.

**Captain REDMOND:** I beg to move an amendment in Sub-section (ii) to delete “£300” and to substitute therefor “£100.”

I notice that there are several other amendments put forward by other Deputies on this very point, but the figures are not actually the same. I hope to be able to give the Committee my reasons, both for moving the amendment and also for the figures that I have chosen. My main object in moving this amendment is to render this Section more in conformity with the rest of the general scheme of the Bill. As will be noted, the rest of the Bill

provides that, in all other forms of jurisdiction which shall be exercised by these Circuit Courts, the jurisdiction shall be doubled. The whole general scheme of the Bill seems to me to be a process of duplication in the matter of title to land and the rectification of the register. Where the poor law valuation of the property in question did not originally exceed £30 it was possible to have the matter dealt with in the County Court. That sum of £30 has now been raised to £60 in probate matters and actions for the administration of estates, and also in what are known as equity suits a similar course has been adopted. In equity suits and probate matters, the personalty did not exceed £500, and the realty £30 under the old system. It is now proposed to increase the jurisdiction to £1,000 and £60 respectively, and furthermore the number of Judges has been reduced from 16 to 8, thereby doubling the area over which they are to have jurisdiction. It, therefore, seems plain that the whole object of the Bill is a method of duplication, and I cannot understand why, in matters of contract and tort, the proposal is not to duplicate but to multiply actually six times the present jurisdiction.

My further object in moving this amendment is, in my opinion, at any rate, to render the Act more workable. It may be said that £100 to-day is not what £100 stood for at the time of the framing of this old County Courts (Ireland) Act. That is perfectly true, but if it applies to the case of jurisdiction in tort and contract, I ask why it is not also applied in the other cases that I have referred to. It is true that the jurisdiction has been six times multiplied. That is a great departure from the previous judicial system, and here perhaps I may be allowed to say that though I and those associated with me may be taunted with a certain tinge of conservatism in this regard, I claim at any rate to be conservative of what I consider to be worth conserving, and I fear that throughout the whole of this Bill a spirit is manifesting itself of a desire for change merely for the sake of change. Now there are Conservatives and there are Radicals, but there are Conservatives who always want to preserve the existing state of

affairs, and there are, equally, Radicals who always desire a change. I take my stand between the two, and I say that I desire, not so much to see the new system introduced, as to see the old system improved and brought into line with modern conditions and requirements. After all we have adopted, and I think very rightly, the British Common Law system and the Statutes which have been passed at various times, to have that system properly put into operation, subject to any repeal that we may so desire, as the bed-rock of our judicial system here in this country. We have not gone back to the Brehon Laws; neither have we adopted the Napoleonic Code, and I, therefore, maintain that the system which has proved effective in England through proper administration there, would, properly administered here with the necessary alterations which I have already alluded to, be the best system for the future judicial control of our country. That being so I desire to move this amendment which, to my mind, will improve that system, but which will not make such a difference between the new and the old as to render the new a mere creature of experiment instead of being an improvement and an adaptation of a tried method.

It has been said that by the increase of this jurisdiction in tort and contract in the Circuit Courts that we will have cheap law. Cheap is a small word very largely used and very largely misused also. Cheap is an entirely relative term. One article may be cheap at a certain price, another article of a similar kind may be very dear at the same price, but what I want to impress, if possible, upon the Committee is this: that because the initial stages of the legal procedure outlined by this Bill in the future Circuit Courts may be less costly at the moment, that in the end they may be far more expensive both to the litigant and to the members of the legal profession. We hear a great deal about the establishment of local Bars throughout the country. Well, I do not think that the comparison between Manchester, Liverpool and some of our local country districts in Ireland is quite on a parallel. After all, within a few miles of Manchester, say a radius of 20 miles of that city, you have a

[Captain Redmond.]

population as large, if not larger, than unfortunately we happen to possess in the whole of the Free State, and to suggest that local Bars are going to spring up in remote country districts in Ireland where litigants and solicitors will obtain the best legal experience and legal knowledge is a suggestion that I contend does not hold water.

Perhaps it might be no harm for me to say here that many people do not realise the exact nature of a barrister's work. The law is there, it is true, but the law is not a fixed quantity or a fixed entity by any means. It is always changing. Judges are placed on the Bench to interpret the law, and from day to day and hour to hour different interpretations are made and new decisions are come to. As long, therefore, as what is known technically as case law exists and shall be the guiding spirit and actual method used by our Judges and our Bench, I say that it will be impossible for members of local Bars in Ireland to be sufficiently equipped in legal knowledge and to be up in all the requirements to bring about not bad but good law. That being so, I feel that to propose that all matters of contract and tort should be dealt with to the extent of £300 by these Circuit Judges makes for bad law and renders very serious the danger of not securing good law in the country.

Then take the position of solicitors. Previous to the passage of this Bill solicitors had prepared their cases, naturally small ones, under the past jurisdiction in rather a hurried fashion. They have not either had the time nor have they had the interest for using every endeavour to secure what would really amount to a first class High Court trial of every action that is brought into the County Court. But what will be the case under this Bill? Every solicitor in every little bog case in Ireland will have to make sure that he leaves no stone unturned, that he calls up every possible witness and goes to every possible expense, that he has maps and drawings and expert evidence on questions of right-of-way or trespass in every little twopenny-half-penny case that arises; and I say that will not make for cheapening the law, but will, in effect, convert every small

case in which but very few pounds are involved, into a High Court action.

Then we have the question of the official stenographers. They are to take down reports of all these cases under £300, and I say, we do not know, so far, what the cost of these stenographers is going to be.

There is also the question of where the records are to be kept, and the cost of keeping these records. Therefore, I would impress upon the Dáil that in this, as in many other institutions, the devil you know is better than the devil you don't know, and it is far better to keep as close as we can to the existing system, with all necessary changes, than to make such an extraordinary, sweeping departure as is proposed by this Section.

I notice—and this I think has a direct bearing upon this amendment—that it is proposed in Section 3 that “Commissioners of the High Court Circuit shall mean such Judges or other persons,” and a definition is given therein. Then later on the same Commissioners are referred to in Section 36, where the rule-making power has already been given to certain people. I do not notice in any portion of the Bill any power to set up these Commissioners. What I would like to know is this: Is it the intention of the Government to set up these Commissioners? If it is their intention to set them up they will have to go down to the country as did the old Judges of Assize. They will have to hear the criminal cases which are excluded by this Bill from the Circuit Courts. If that is so I would seriously suggest to the Government, that having these learned judges going down the country engaged upon what I hope will be very few serious criminal cases, it would be wise also to allow them to hear appeals from the Circuit Courts in matters at any rate under £100. I would like if the Government could possibly consider that suggestion. If these Commissioners in substitution for the old Judges of Assize are never to be brought into being, then what will occur will be that all serious criminal matters, such as murder and the more serious forms of felony, will have to go before the High Court, necessitating the bringing up from the country of



witnesses and of all the various accessories to such proceedings. Therefore, it will be thrown upon Dublin courts and Dublin juries to try all serious criminal cases throughout the country. I do not think really that that would be fair to Dublin juries, and I do not think they would regard it as such. But if that is the intention of the Government I would certainly like to know it.

I think that in regard to this multiplication of contract and tort a great deal too much is expected of it. It is true that we have now provided that applications may be made to have cases taken in the High Court, but after all the question of costs must be taken into consideration, and no solicitor will lightly, at any rate, take proceedings in the High Court when he runs the risk, if he loses his case, of being mulcted for costs. I do not intend to detain the Dáil much longer though this, I think, is probably the most important Section of this Bill. I do appeal to the Government not to be too adamant in regard to it, but to have some regard to the representations that have been made to them, and that are now being made to them; representations that have, it is true, appeared in the Press, representations that must have been also personally brought forward. I am confident that neither from the point of view of the country at large, nor from the point of view of the litigants themselves, and certainly not from the point of view either of the solicitors or barristers profession, is it desirable that this amount of £300 should be fixed as the sum within which an action can be taken in the Circuit Courts, and which will be within their jurisdiction.

**Prof. MAGENNIS:** In the interests of the amendment that follows this one, I feel constrained to oppose the amendment which you have just heard advocated by Deputy Redmond. Much of the speech might be summed up as an attack upon the extended jurisdiction. It was that rather than a defence of the case for reducing the figure to the amount specified in the amendment. Consequently in so far as it sought to reduce the absolute limit of £300 it is in line with the amendment which I

shall have the honour of proposing immediately after this is disposed of. This is unquestionably, as Deputy Redmond says, the most important Section in the whole Bill, if there is any Section in the Bill more important than another. The amendment to reduce the jurisdiction of the new Circuit Courts in these types of cases to £100 strikes at the whole central principle of the measure. It is no exaggeration to say that to pass such an amendment in this precise form is practically to undo what we did on the occasion of the Second Reading, and to repudiate the principle of the Bill. Deputy Redmond disclaimed being a reactionary conservative. He was a moderate conservative.

**Captain REDMOND:** A moderate radical, too.

**Prof. MAGENNIS:** There was precious little, if he will allow me to say with all deference, of radicalism, particularly in the concluding portion of his speech. He thinks that British law and British institutions are on the whole so admirable that it merely requires a little adjustment of them to suit the genius of the Irish people, and that all the contest of centuries between the two races was not with regard to the creation and the working of national institutions in this country so much as a dispute as to which precise body of men should have control over the institutions, and the jobs arising therefrom. If there be any Deputies who share this view I would suggest to them a careful re-reading of the terms of reference to the Judiciary Committee. I have already had occasion to quote from it. It has become a species of Bible in my hands from which I draw inspiration and doctrine. With your permission, I will read the paragraph that follows a paragraph I have already read in another connection:—

“ Thus it comes that there is nothing more prized among our newly-won liberties than the liberty to construct a system of judiciary and an administration of law and justice according to the dictates of our own needs, and after a pattern of our own designing.”

[Prof. Magennis.]

Later on it says: "The first Government entrusted by the people with a mandate to give effect to the Treaty from which the Constitution has sprung, finds amongst its earliest tasks that of presenting to the Oireachtas a measure which will establish courts in fulfilment of the Constitution, and will fashion an administration of justice upon which the people will lean with confidence and affection." Have they leant with confidence and affection upon alien institutions, of an alien creation imposed upon the people contrary to the people's will?

Again, in this letter of reference the Committee is requested to approach the matters referred to them "untrammelled by any regard to any of the existing systems," and this is what I wish to emphasise. They are to consider the requirements of litigants, not the requirements of the profession of the law—those no doubt incidentally, because it is part of natural equity and of ordinary justice—but "to consider and report upon the requirements of the litigants and other persons interested, and especially as to accessibility, efficiency, expedition and cost."

Now, the law in Great Britain, as administered, is a magnificent institution. I yield to no one in my admiration of it; I will go further and say, my reverence for it. But we are not engaged here in discussing all the great points of Teutonic and Anglo-Saxon institutions, but how to meet the requirements of our own people in view of what these people are and how they are situated—their especial needs. I do not know if it is in order, and if you will permit me to quote from a newspaper. A few days ago the Attorney-General gave an interview to leading Dublin papers, in practically the same terms to all of them, in which he stated the purpose of this measure. The great controlling idea of it was so clearly and so well stated that instead of paraphrasing, or repeating it in some other form of words, if you will permit I will read a few extracts.

"The Constitution of the Free State required a new judiciary to be created and the Government's method of approaching the question was to have the ground cleared of existing institutions,

so that they could arrive at what would be most in the interest of the people for whose services courts were supplied at the public expense. The first great point in the working out of the new scheme of courts was the fact that Ireland is an agricultural country."

I need hardly stop to point out that Great Britain is not an agricultural country, a country made up

"1 o'clock. of large cities, and great urban centres of population, the direct antithesis of the situation here. "Under the system that is now to be superseded the people, litigants and witnesses, used to be brought from remote parts of the country and kept in Dublin for the hearing of comparatively small cases. One need not dilate upon the hardship involved in that, upon small farmers for example, very often at the period of most activity in agriculture taken away from their farms and kept here at great expense and inconvenience while they were waiting for overgorged courts to reach their cases, meanwhile expenses piling up, great counsel had to be retained at huge expense, and fees paid and repaid. There had been cases of rights of way."

Here the Attorney-General enumerates the species of case that usually occupies the Courts from agricultural populations. "There have been cases of rights of way, water courses, boundaries of holdings in connection with which a number of people were taken up. Therefore, the central feature of the new scheme is the provision of courts for trying locally the average type of case, in which the people in the country are involved. In providing for this method we had the advantage of the experiment made in the Courts that were known as Dáil Courts, which in their hey-day were a great success." What we are doing is we are legislating for an agricultural country, and trying to meet the law needs of a farming population mainly.

Deputy Redmond is preoccupied, rather unduly I would suggest, with this question of local Bars—of course, I speak technically. It is alleged by critics who are no doubt competent critics that this makes for the destruction of the noble profession of the Bar. I am, unfortunately for myself, in a

position to take a more dispassionate view of the matter than Deputy Redmond.

I quite agree with him that the parallel sought to be drawn between the advantage in England derived from the local Bars, such as those of Liverpool and Manchester, could hardly be obtained here, because with the exception, perhaps, of Cork, we have not the parallel. There is one man there who is in Queenstown, I think; so to make a deliberate bull the man in Cork is in Queenstown. But it is possible, and I think highly probable, that the effect of this will be to create Circuit Bars. They need not be of the type or character altogether of, say, the Liverpool Bar, but they will belong to the sphere or area of jurisdiction.

I do not want to reveal too many of the secrets, but anyone who was ever at the Bar is aware that with the centralisation of it the tendency is for half a dozen of the big wigs to monopolise the greater part of the business and leave the rest of the profession briefless. That is not a good thing for the briefless barristers, and it is still worse for the public. The result is delay. The law's delay has been the cause of lamentation for centuries. If it were a case, for instance, in which a will was being impeached, in my time everyone had to hurry to get Mr. O'Shaughnessy, the present Recorder of Dublin. More particularly if the principal agent in the preparation of the will were a parish priest, then the plaintiff must have the services of Mr. O'Shaughnessy. If he had he was bound to get value for his money. Here is an opening provided for developing ability in the Circuit Courts. Men, having made their mark there, would be selected by local solicitors to take conduct of cases in Dublin on appeal, and gradually the central Bar of the High Court and of the Supreme Court would be fed from this source, so that it comes to a question of prophecy, as between prophecy pessimistic and prophecy optimistic, and I would ask you to accept the more hopeful view, which is more in line with experience. The efficiency of the local Bar apparently would be diminished. So suggests Deputy Redmond, through subterranean channels.

**Captain REDMOND:** I now suggest it above ground.

**AN CEANN COMHAIRLE:** I want to make a suggestion myself. I want to refer Deputies to Standing Order No. 58, which specifies that in Committee a Deputy may make three speeches, but no Deputy shall speak for longer than ten minutes, unless he is the proposer of an amendment. As the proposer of the amendment, Deputy Redmond spoke for a good deal longer than ten minutes, but that privilege does not extend to other Deputies who are not proposers of amendments. And Deputy Magennis is, I think, the proposer of the next amendment, so that his opportunities are all in front of him.

**Professor MAGENNIS:** I thank you for your indulgence.

**Captain REDMOND:** Perhaps within that Standing Order, I am in order when I speak twice, and I do not desire to detain the Committee as long as ten minutes on this occasion. I would like to point out to Deputy Magennis that in regard to local Bars my particular objection is that, in my opinion, they will not be efficient Bars, because, after all, when Case law is still the system of coming to decisions on the law which is used, how can a barrister in the country have at his immediate disposal, or at his disposal at all, the latest law reports which he would have if that case came up in Dublin?

All law at present administered in this country, as well as in England, is decided upon the latest case on that subject, and how can a barrister at the local Bar have at his side the necessary reports, or how will he have time to send to Dublin for them if this is going to be the method of expedition? His holding up the case and sending to Dublin for the latest report will not expedite the case, and, therefore, I say that you may have law in the country before these Circuit Courts, but it will not be good law; it will not be law according to the latest interpretation of the law, and that being so, in the long run the law you will get there will not be cheap law, and it may result in appeals to the Supreme Court. That point is in the interests, not of the Bar

[Captain Redmond.]

or of the solicitors' profession, but of the community at large.

**Mr. HEWAT:** I cannot expect, in following the two previous Deputies who have spoken on this subject, to emulate their eloquence, but I rise to oppose the amendment, and I do so with a firm conviction that the Clause as it stands is an excellent one. This Bill is based on a very genuine knowledge that the old County Court system was a failure. The County Courts had insufficient work and were not looked upon in the country with that respect that a court of justice should be looked upon, and in considering the matter I thought that it was very necessary, in the changed circumstances of the country, to make a radical alteration in these Courts. Under this Bill the Circuit Court takes the place of the County Court. It is laid down that the Circuit Court would be fully occupied, and I think it must be hoped that the Circuit Court, when it exercises its functions, will be a national asset in the administration of justice that the County Court has not been. If that is to take place, surely it is not wise that the administration of that Court should be cramped within narrow limits, reducing its efficiency and its standing throughout the country. I say that the increased jurisdiction given to this Court will be of great importance to the litigants. I think it will be of great importance to the Court itself, and while undoubtedly at present you meet a good deal of criticism about it, I think that criticism is narrow, and that the Court will, in the future, justify the proposed change.

As regards the Bar, I think Deputy Redmond is looking too much into the past and too little into the future. If you assume that the Circuit Court will take the place that it should in the life of the country, I think also that you must recognise that the Bar will adapt itself to the changed order of things, and that a local Bar will grow up in the country which will not disgrace the traditions of that noble profession.

I think that it would be worth the while of junior members of the Bar

to make a reputation at the Circuit Court, and that the growing importance of the cases that will be tried in these Courts will form a training ground which will supply in the ordinary natural course of events as eminent lawyers as we have experienced in the past in the High Court and Supreme Courts in Dublin. If it did nothing else but scatter through a larger number the work of the Bar I think that would be in itself a benefit. I think the real difficulty about the profession in the past has been the difficulty of the younger men to get an opening, not through their incapacity, but through want of training and want of practice, and if more use is made of the junior members of the Bar, if they can look forward to it as a profession in which they can start at the beginning and go up to the top, I think that in itself would be a benefit to the profession and raise it.

So far from looking forward, as some pessimists seem to do, to a lowering of the traditions of the Bar, I think under the new order of things there is no reason in the world why the old traditions should not be continued, and even extended. The County Court in the past has been used by litigants to come in mainly to find out what the other side's case was; in other words, they entered the case in the County Courts with the distinct purpose of going on for further appeal and being able to supplement their case and better it in the process. I think that is wisely done away with in the Bill, and the stenographer comes in there very usefully. It may be more expensive, possibly, in that particular item, but taking it as a whole the Circuit Court ought not to be docked of any of the jurisdiction which is put upon it in this Bill, but rather, I think, the Committee should emphasise the importance of the alteration by insisting on this Clause being left as it is.

**Captain REDMOND:** I am very sorry, but I find it incumbent on me to exercise my full rights on this amendment, and say a few words in reply to Deputy Hewat. He seems to think that the experience of the junior member of these local Bars will be of great service to him when he comes to

Dublin on matters of appeal. Unfortunately I have to differ with him in that respect, because the member of the Junior Bar on these local circuits will not have at his disposal the means of obtaining the knowledge of the law which he would have if the case had come on in Dublin. No barrister goes about with all the law in his head. The law is there for him to find. That is his job, and, unfortunately, what I fear is that instead of being a good training ground for good lawyers it will produce hurried and ill-thought-out, and, consequently, not accurate but faulty decisions.

**A DEPUTY:** Hedge lawyers.

**Captain REDMOND:** That is not a bad description. I hope that will not be the case. I sincerely trust that all these local Bars will be equipped, and richly equipped, with all the latest law books and all the latest law reports, both in Ireland and in Great Britain, because much as we may talk about setting up a distinctive and new system in this country, nine-tenths of this Bill is founded on the existing system, and the whole measure is founded on the fact that we have adopted the British common law and the British Statute law, except where we have otherwise repealed it, for the future judicial system. I must take exception to what Deputy Magennis has criticised as my conservatism in the matter. My conservatism consists in this, that because a system was made in England I am not going to turn it down. I have not reached the stage of narrow-minded ultra patriotism that because a thing comes from outside, therefore, I cannot take it and make the best of it, and make the best use of it for the benefit of my country. That, after all, has been the great success of England in the past. England never despised outside inventions or outside systems. On the contrary, England took them and adopted them and adapted them, and that is what has made England what it is to-day. I hope, therefore, that in the future we will not be so blinded by our ardent desire to have everything changed and everything distinct, not for reason, but for blind prejudice; on the contrary, I hope we will have a stratum of com-

monsense and sound patriotism to take what is good from everywhere and make it adaptable to the best needs and purposes of our country.

**Professor MAGENNIS:** In the first of his speeches Deputy Redmond referred to quite a number of other things besides the certain failure of the Junior Bar. He complained of the new proposition that appeals should be heard on a stenographer's notes. The very fact that he should object to the new procedure is further testimony of the hopeless conservative, reactionary character of his mind. Does he want a perpetuation of the method illustrated in *Bardell v. Pickwick*, where at the close of a very prolonged action the judge read to the jury as many of his notes as he could decipher. In quite a recent case—it would hardly be fair to mention it—involving a colossal sum of money, one of the parties to the suit was defeated through the fact that the judge had failed to make a note of the most important evidence of the most important witness. No cognisance could be taken of this pivotal evidence, on which the whole matter turned. The present procedure as you know is——

**AN CEANN COMHAIRLE:** I am afraid the question of stenography is not in the amendment.

**Prof. MAGENNIS:** No. In reality the speech to which I am replying was a Second Reading speech and, perhaps, I am out of order in following what was out of order.

**AN CEANN COMHAIRLE:** That is so, unfortunately.

**Prof. MAGENNIS:** Then I bow to that, because it is in sympathy with my own view of the matter.

**AN CEANN COMHAIRLE:** I hope the Deputy would not refuse to bow if it were out of sympathy with his own view.

**Prof. MAGENNIS:** I might be disposed to dispute it were it not so. He spoke of the difficulty of local Circuit Courts doing justice in the way of serving out the very latest and, consequently, the very best law. This is part of the prejudice which belongs to a barrister nurtured in Dublin upon the hitherto existing system of Dublin.

[Prof. Magennis.]

One of the peculiar features of Bar practice in Ireland was that the Bar was centralised in the Law Library where men met to discuss law and scandal, and retail not merely the latest legal decisions but the latest social reports. It was a scene in which history of various kinds as well as legal history was made. It was one of the great and one of the good features, notwithstanding its vices, of the Irish Bar system. I have seen the most junior of junior barristers go up to the first serjeant-at-law, a man bent down with the weight of legal lore, and ask him how to deal with a Civil Bill appeal. It was a great advantage, this fraternity, a very genuine fraternity, in spite of the fierce competition that existed between members of the Bar and, consequently, it was always possible to have an opinion upon an opinion. That is not the system in that great land before which Deputy Redmond bows awestruck.

**Captain REDMOND:** So do you.

**Prof. MAGENNIS:** I speak with reverence of English law. The practice at the English Bar enables a member of the Bar to live in chambers and his cases are brought in by a clerk. Deputy Redmond is thinking, therefore, of a big central law library as the essence of Bar practice. He is living a little out of his time, if it is not offensive to say so, not merely as to the relations between a carpenter and a cabinet-maker, but as regards the resources that are open to a man who wishes to know the law without being obliged to meet the expenses of a colossal library. In recent years enormous help has been given to the profession by the publication of digests of cases. It is possible, really, in half an hour, or so, for a man who is acquainted with the law and has a certain measure of legal training to acquaint himself with the decisions, and to inform himself of cases over-ruled. It is true it would be an advisable thing if time allowed that he should go and read the more detailed reports, but, at the same time, the essential part of the decision is usually given to him in foot notes so that these junior practitioners on a circuit Bar would not at all be so

helpless, or handicapped, as Deputy Redmond is inclined to believe.

Furthermore, to indulge in prophecy again, new needs and new requirements usually bring about agencies for their satisfaction. That in brief is the history of civilisation, and when the need arose men proceeded, by the exercise of their ingenuity and drawing upon parallel experiences in the past, to supply it. The Circuit Judge will not be found travelling in a caravan from town to town consulting law books by lamp light overnight, like Napoleon in his tent examining the map of the country by a lantern. Experience and convenience of litigants will bring it about when the Courts of the Circuit area will be localised in one, two or three areas, and eventually a library will be forthcoming for storing there these detailed law reports, Law Reports (Ireland), Law Reports (England), and the new series and digests of cases so that this is merely a momentary hiatus which can be overcome.

Personally, I see in this creation of Circuit Courts one of the greatest of the new departures that will make for the benefit of the country. If I may be permitted to delay for one moment in regard to the peroration of Deputy Redmond, long before the British Empire was thought of, the Roman Empire set the world the model, of which he speaks, of looking round at civilization and at other races with which they came into contact, viewing sympathetically the institutions which they created, and making their own of those that were adaptable and that would serve the Roman population. That undoubtedly is wisdom—I am not speaking in any adverse sense in regard to that. The whole system of British law, of statute-made law, and the whole method of its administration is, I have no hesitation in saying, an alien thing, and we are not setting it aside all at once with the hurried zeal of young reformers. One of the things we did in the moments of enthusiasm, in the early days of the late Dáil, was to re-enact those statutes already applicable so as to give us time to think out the situation and see what new code of law was required to be created. Here we are taking on a great problem—how to set up constitutions, statutes,

and tribunals which will serve the needs of the Irish people. What suits Liverpool and England generally, may not suit us, and consequently it does not follow that institutions or procedures that have succeeded there must slavishly be followed by us, or on the other hand that we must depart from them, not because of patriotic prejudice but because of patriotic duty, and consider the special requirements of our own people. We must remember also that in this matter sentiment counts for a very great deal. Deputy Johnson, no doubt, takes a very rationalistic view of these things, and sees life in the hard cold light of intellect, but a great part of man is ruled not by intellect, but by sentiment and ritual. Our people will look to the courts as the creation of Irish minds, and with feelings of affection, and with a sense of obedience which will create in them a feeling for law and order which they could not be expected to entertain when those institutions were administered by people whom they regarded as their natural enemies.

**Mr. JOHNSON:** Deputy Magennis has strangely misread signs and portents. I would imagine he might have seen during his last year or two signs at least that sentiment affects my view of life to an extent perhaps not less than his own. This discussion that has taken place between Deputies Box and Cox has convinced me that the Government would be well advised to stand firm by the proposals of the Bill, and that applies to Deputy Magennis's amendment. I think the case he has made against Amendment 12 is equally valid against Amendment 13, and I, therefore, expect that the discussion on the next amendment will be shortened. As I see it, the case was fairly well admitted that the Bill as it stands will benefit the litigant and the public, provided there is no loss of efficiency in the practices in the Courts and in the abilities of the Bar. The layman can only judge that matter by the weight of evidence, and the evidence appears to me to lie between the statement of Deputy Redmond, and perhaps the more authoritative statement and beliefs of those lawyers, barristers, judges and solicitors who

advise the extension of the jurisdiction to the extent contained in the Bill as it stands. I believe the desirable course to adopt is to extend the jurisdiction of the local courts, and I hope the Government will stand by the clause as it is printed in the Bill

**Mr. T. O'MAHONY:** I cannot speak with the authority and technical knowledge of Deputies Redmond or Magennis on a matter of this kind. I simply put forward the views of a layman, of one of those who may be concerned in the operations of those Courts. The first and main objection raised by Deputy Redmond was to the extension of the powers of the Court. He suggested that the labours of the Courts were increased in some instances by six times. That was hardly a fair representation of the increase of duties that will be imposed on the judges of those new Courts. Multiplying £50 by six and giving a jurisdiction of £300 may mean only a small increase of the administrative duties of the Courts. The cases hitherto dealt with under £50 would comprise the biggest percentage that would have to be dealt with even in the limits of £300, because the sums we had to deal with in the past, and will have to deal with in the future, will be largely sums under £100.

The chief objections, I think, however, that Deputy Redmond had to the operation of those Courts were that they operated adversely to the interests of the solicitors' and barristers' profession. The duty of the Executive Government is not to consider the interests of a small section of the population, or of one particular branch of the profession, but rather what is for the general benefit of the community. In this respect I believe that that benefit will be largely secured in favour of the people by the extension of the powers it is proposed to give the Circuit Judges under this Bill. I intend later to suggest that the powers of the District Justice Courts should be increased, and for this reason. Both those classes of Judges operating within limited areas will acquire an active knowledge of local conditions, of men and of things, which they can apply to the benefit of the law and to

[Mr. T. O'Mahony.]

a clearer determination of the interests and disputes that will come before them and that would not be possible if those cases had to be tried in Dublin. The extension of the areas was a further objection raised by Deputy Redmond. The extension of the old areas of the Resident Magistrates whose duties are now discharged by the District Justices has not resulted in failure to administer effectively the new duties imposed on them in the new areas. The instructions given to the Committee who framed the suggestions on which this Bill is founded were that accessibility, expedition, efficiency, and cost should be taken into consideration.

Anyone reading the Bill must come to the conclusion that in its operations all those considerations are being given a fair show, and that under the new system the law would be more efficiently and cheaply administered, and be much more convenient for those who have to go to the courts. For this reason I suggest it is undesirable that the Dáil should interfere with the particular provision of the Bill to which this amendment has been moved. I think that the present provision makes the law more convenient and accessible to people in the country, and you may take it it in no way affects prejudicially the members of the Bar. We anticipate that in these local Courts the members of the Bar will maintain the high standard of efficiency for which the Irish Bar has been noted, and, in addition, to bringing the law home to the people in the country districts, we shall at the same time have the cost of administration, and the cost to the litigant considerably reduced. For these reasons I think there is no necessity to alter the jurisdiction of the Judges.

### **PADRAIC MAG UALGHAIRG :**

Táim sásta nach geuirfear an leas-rún seo i bh-feidhm. An módh dlighe a bhi againn go dtí anois bhi sé neamhoiriúnach. Na daoine do cheap an módh sin b'iad daoine nar theastaigh uatha ach a lamha a chur i b-pócaí muinntir na d-tíre. Buidheachas do

Dhia, tá sé in ar g-cabhair anois na n-idhthe seo a cheartú. Is orainn anois módh a cheapa i dtíreó nach mbeidh mór-chostas ar mhuinntir an t-Saorstáit agus go mbeidh siad in-ánn Cothrom na Féinne a thághail ar bheagan chostais agus troblóide.

It seems that we are going to have great difficulty in getting through Section 48. The amendment by Deputy Redmond proposes to reduce the jurisdiction of the Circuit Court Judge from £300 to £100. It was an intolerable hardship in the past, under the old system, that in cases where the figure in dispute was £60 the litigant had to undertake the expense and worry of a High Court action here in Dublin. I think the proposal contained in the Bill, to increase the jurisdiction of the Circuit Court up to £300, is a very worthy and admirable one. I have not heard any arguments advanced that would justify any reduction of that jurisdiction as far as the Circuit Court is concerned. We have had here a most extraordinary confusion of arguments all through so far as the discussion has gone in Committee. We have had an allegation made in regard to the stupendous and enormous amount of work that the Recorder of Dublin has to do, and it has been suggested that some additional Judges should be appointed to assist him. That is met on the other hand by a proposal to reduce the jurisdiction of the Circuit Court by £200, from £300. If the allegation is true with regard to the excessive work that the Recorder has to do, then the analogy is false, and it does not justify a reduction of the jurisdiction of the Circuit Court Judge.

I hope we will confine ourselves to what are the real merits of the case. We are being addressed here more or less as a jury by the Deputies who are supporting this amendment. It is all, to my mind, a case of special pleading, and we stand between the people who will be litigants and the Bar who will be the beneficiaries. We are asked to consider only the beneficiaries and overlook the interest of the litigants, and to insist that in all cases where over £100 is in dispute, these people shall proceed with their array of witnesses and at enormous expense to Dublin for the benefit and advantage of



the Bar here in Dublin. We are told that good law is only to be obtained in Dublin, and that bad law is likely to be met with and is going to prevail in the provinces under the Circuit Court. I think if good law and bad law are to be scheduled in this Bill, that is not at all desirable. What we want is good law in the smaller Courts and in the smaller cases.

We do not care much about the larger cases. They are well looked after generally, because the interests involved are so powerful that they will take very good care of themselves. Where we want the good law is in connection with the smaller cases below £100 and down to £5. The nation requires good, cheap and convenient law. We are going to have those things under this Bill.

There should not, to my mind, be any diminution of the jurisdiction of the District or Circuit Courts. The terms of the Bill should be kept to tenaciously. I hope the Government will stand firm by the terms of the Bill. One suggestion is that the jurisdiction be decreased from £300 to £100, and another suggestion from £300 to £200. I hope the Government will stand firmly behind the figures set out in the Bill, and that they will not allow any arguments, that are largely influenced by a profession that in the past had certainly a great deal to do with the management of law, to influence them in the direction of a change. I hope the Dáil will see that we are going to lay down the principles upon which law is to prevail, and in doing so the interests of our community, which are largely in our hands now, will be considered, and we will stand firmly in the advocacy of the interests of our own people.

**PADRAIC O MAILLE:** Táim ar aon intinn le Teachta Pádraic Mag Ualghairg i dtaobh an leas-rún seo agus aontuighim le 'nar dhubhairt sé. Isé mo bharrmhail go bh-fuil an Alt so níos oiriúnaighe mar tá sé fa lathair. Da mbeadh sé ar na daoine 'san dtuaidh teacht chun an chathair seo chun a gcúiseanna a phléidhe ins na cúirteanna annso, bheadh costas ana-mhór orra ar fad. Agus is é sin an rud go mba mhaith linn a sheachaint. Dubhairt an

Teachta a chuir an leas-rún seo os a geomhair go mba chóir duinn aithris a dheanamh ar shompla muinntir Sasana 'san rud seo. Isé mo thuairim fhéin go mb'fhearr i bhfad gan rud ar bith a dheanamh acht amháin an rud atá oiriúnach do mhuinntir na tíre seo. Agus tá fhios againn go fíor-mhaith gur cheap muinntir Sasana an módh dlighe atá acu do réir an módh a bhí againnne san tsean-aimsir—An Seanchus Mór, tarraim ar na Teachtaí gan gléacadh leis an leas rún seo.

**Mr. A. BYRNE:** I rise on a point of order to refer to a matter of courtesy to the Dáil. I would like to know whether a Deputy can address the Ceann Comhairle without somebody being on the front Bench representing the Government? Who on behalf of the Government will reply to the speakers who are now addressing the Dáil? This is a matter of interest to the Dáil and I now raise it.

**AN CEANN COMHAIRLE:** I think there can be no doubt whatever that either the Minister in charge of the Bill, or some other Minister on his behalf, should be present during all the discussion. I will take a motion to report progress from any Deputy who wishes to put forward one.

**Mr. DARRELL FIGGIS:** I move to report progress.

**AN CEANN COMHAIRLE:** The motion is that the Committee report progress and sit again on the next day on which the Dáil shall meet.

**Captain REDMOND:** We are all agreed to that.

**Mr. JOHNSON:** Is it in the discretion of yourself to adjourn the discussion for a period of half an hour or an hour?

**AN CEANN COMHAIRLE:** I think that the Committee must report progress. Then when progress is reported to the Dáil, we could adjourn for a period, but not until then.

The President entered the Chamber.

**AN CEANN COMHAIRLE:** Mr. President, a motion has been made to report progress, in view of the fact that there was no Minister present to hear the speeches made on this amendment.

**The PRESIDENT:** I believe the Dáil will be agreeable to have that amendment taken. It was not out of disrespect to the Dáil that I left. I left it for only a moment. I had to put off several appointments that I made, not thinking I would be engaged here the whole time. The other Ministers have left for reasons of public business. I would be sorry that any Deputy would think that any member of the Ministry would leave out of disrespect to the Dáil.

**Mr. ALFRED BYRNE:** I raised the question for the future guidance of the Dáil. If there was a Parliamentary Secretary who would take notes for the Minister or Ministers concerned a reply could be made to the points raised for or against the amendment, and it would be different, but as there was no Minister present I raised the question. I do not wish for a moment to embarrass any Minister, or to impute motives of disrespect to the Dáil to the members of the Government, but when I saw the benches empty I thought it necessary to draw your attention to that, and to the fact that on all occasions a representative of some sort, whether a Parliamentary Secretary or otherwise, should sit there to take a note of any remarks made.

**AN CEANN COMHAIRLE:** I think the President can be assured that it is not precisely with reference to himself that the point is raised. The point was raised rather with regard to the fact that when the President himself was absent no other member of the Government was present.

**Mr. A. BYRNE:** That is my point.

**AN CEANN COMHAIRLE:** I must say that we all appreciate the fact that the President himself has many calls on his time and could not possibly be always present.

**The PRESIDENT:** It is my mistake and I regret that I did not see that there was some Minister in my place.

**Mr. O'MAHONY:** Is it possible to give effect to the suggestion of Deputy Johnson that we adjourn for a limited period?

**Mr. DARRELL FIGGIS:** If it is the President's desire that the debate

should be continued, I will withdraw my motion.

**AN CEANN COMHAIRLE:** Should not this amendment be disposed of?

**The PRESIDENT:** Yes.

**AN CEANN COMHAIRLE:** The motion to report progress is withdrawn.

**PADRAIC O MAILLE:** Ni raibh puinn eile agam le rádh, acht iarraidh ar an Dáil gan glacadh leis an leas-rún san. Cuirfeadh sé sin mór-chostas ar mhuintir a bheadh a dul chun dlighe a chur ar a chéile.

**The PRESIDENT:** I do not know that I can add very much to the various arguments that have been put forward against this amendment. Most of the ground that I intended to cover, was covered in a much better manner by Deputy Magennis and some of the other speakers. I should say that the recommendations of this Judiciary Committee were recommendations which it would be rather difficult for the Government to ignore. Their recommendation in this case, so far as the Circuit Courts were concerned, was that the sum should be £300. On that Committee, apart from members of the legal profession, there was one representative of Commerce specially appointed as the representative of Commerce. It is believed that this particular recommendation, that the jurisdiction of the Circuit Courts should extend to £300, is one of the main, if not the most important, features in the Bill. I do not by that mean to discount in any way the importance of the Supreme Court or of the Ilich Court. Judging the usefulness of the Courts from the amount of business that will be presented to them, I think it will be admitted that a larger number of people will apply in the Circuit Courts, and that major business will be discharged in these Courts. I think that Deputy O'Mahony met the point very fairly, that we had sextupled the business of these Courts by increasing the amount from £50 to £300, by saying that it did not necessarily mean that six times more business would be discharged in the Courts by reason of that. At the time when £50 was fixed as the sum that the jurisdiction of the

County Courts would cover, I think it was somewhere about the seventies, and there is no doubt that values have changed very considerably since then. Apart from the values there has also been, I think it will be admitted, a change in the general business—that is to say, cases are larger now, and for very much larger amounts than they were at that time. As regards the agricultural community, even though it be disputed that they are less prosperous now than then, the fact is that they are dealing in larger sums, and consequently some accommodation to meet the changes ought to be made in this Bill.

People are not bound to the Circuit Courts in actions up to £300. That, I think, is a very important matter. Taking into consideration the amount which would be allowed for jurisdiction in the cases of the

2 o'clock. Circuit Courts, it would

mean that if you limit this amount as between £200 and £300, anything over £100 could not, I think, go to the Circuit Courts. As regards the amount of work the Circuit Courts will meet with, I think it must be borne in mind that it is rather difficult to make any estimate. The whole system has been changed. The recommendations for changes have been very large, and they are not merely for the purpose of change. That has been dealt with ably by Deputy Magennis. Experience of the last few years has shown the necessity for that change; we are aware of the popularity of the Dáil Courts, and the fact that matters could be settled expeditiously and with little cost, and, I believe, under great difficulties, with great satisfaction to the various litigants. The case for reducing the amount does not appear to us to have been sustained. With regard to the question of change, I notice in one section of the Dublin Press that an impression seems to have got around that we want changes simply for the purpose of making changes. That is an utterly wrong view to take.

It is scarcely fair to put it that way, and I gather that from some of the criticisms made in various newspaper articles now and then. One must take into consideration the psychology of

the country. After a long period in which the Courts were unpopular many of the decisions that may be given now may not be to the satisfaction of the persons concerned, who will say: "There is no change in the administration of the country," and in order to meet the peculiar views some indication of change is not at all undesirable, but certainly not for the sake of change. I would say this, in reply to Deputy Redmond's complaint about information not reaching the local Barristers connected with these local Bars; I was engaged during the last three or four years as Minister for Local Government, in the first Dáil and throughout the second Dáil, and during that time I came in contact with, I suppose, the largest number of public representatives from local authorities from all over the country that, perhaps, it was ever the fortune or misfortune of any other person to have come in contact with. What amazed me about those representatives was, their keen and precise knowledge of the various difficulties and complexities that arise in the administration of Local Government, gained in some cases from the Press, and in some cases from inference or reports. In every case they showed most extensive knowledge, even in the most unimportant details, as they might appear to us here. Whenever a question affecting Local Government arose they spoke as if they had made a special study of Local Government, and with as much practical knowledge as if they were engaged here in the Central Office dealing with these matters. I think if that be the case in regard to intimate knowledge on the part of members of local authorities it is unlikely that a very important and learned profession such as the Bar would not be able to get all the information required about the latest legal cases without any great difficulty at all.

It was, also, pointed out, I think recently in the Press, that this local Bar experiment has had a large measure of success in Belfast. The North-East circuit in the old days was certainly benefited by the fact that it had a local Bar, and when members from that particular Circuit came up to town it was observed that the cream of

[The President.] the profession came. It may be that both now and for some time to come there will be a general attraction towards the metropolis. Objection to this Bill comes from many quarters. My information is that the solicitors in the country generally approve of the Bill and of this particular Section, and whereas there is some unpopularity about this Section in this city I take it that the general idea in regard to the whole country is that there ought not to be a centralisation in the metropolis. There is no objection, but on the contrary there is every desire that the cream of the profession ought to be attracted to the metropolis, and we ought not to minimise the importance of some of the provinces that have sent up remarkable men—prominent public men—that we have in the public life, and in the various professions in the country. There is also some unpopularity about these so-called local Bars by reason of the fact that barristers now living in the city will have to take up their residences perhaps in the country districts, and this country question and centralisation question is one that may give us some little trouble in the future. There is a desire to get away from the country, but as this country is an agricultural country, we ought not to stimulate that desire.

I do not know whether I have dealt with all the points made by Deputy Redmond, but many of them have been answered by other speakers. I must say that we were very seriously impressed by the views of the commercial community in fixing upon this £300 jurisdiction for the Circuit Courts. The Circuit Courts in our view ought to be popularised in this country, which is relatively a poor country. These courts are popular and they are less costly in the operations that will be conducted in them, and I am sure, and hope that they will give greater confidence to the people to go into them. At the present moment I believe a very large number of people will not go into court by reason of the idea that the cost is prohibitive. I think it is our first duty, in a new State, to see that justice will be put within the reach of every

citizen at a cost that will not be exorbitant, and that the institutions of justice will command the confidence of the people.

**Captain REDMOND:** As there is a subsequent amendment to reduce this amount to £200, which I am sure will be ably argued by Deputy Magennis, and as there does not seem to be very great likelihood of this amendment being accepted by the Dáil, I ask leave to withdraw it. Before doing so, however, may I ask one question of the President: Whether, if not now at some future period, during the course of the progress of this Bill, he will be in a position to inform me if it is the intention of the Executive to set up these Commissioners of the High Court Circuit to which I have referred? I do not ask for an answer now.

**The PRESIDENT:** Yes, like the question of not more than eight Judges raised yesterday, it will be governed by the necessities of the case; that is, if the necessity arises, that will be done. If the necessity does not arise I do not think it likely it will be done. However, I will consider the matter and inform the Deputy on the report stage. Amendment, by leave, withdrawn.

**AN CEANN COMHAIRLE:** The last amendment was a very important one, and I allowed considerable latitude in the discussion of it. I think the discussion of the next amendment, number 13, must be confined altogether to the advisability of reducing the jurisdiction of the Circuit Court from £300 to £200, the proposal to reduce it to £100 having been withdrawn as not accepted.

**Professor MAGENNIS:** I beg to move the following amendment:—"In line 52 to delete £300 and to substitute therefor £200; and in line the figures £60 and to substitute therefor the figures £45; and in line 59 to delete the figures £60 and to substitute the figures £45."

I have just now supported, as strongly as I could, what I regard as the clue of this measure, the decentralization of the courts and the enlargement of the jurisdiction of the local courts to meet the needs and special requirements of the people.

**AN LEAS-CHEANN COMHAIRLE**, at this stage, took the chair.

**Professor MAGENNIS:** Deputy Johnson and Deputy Redmond believe that in doing so I have barred the door against the amendment for which I am, technically and officially, at any rate, responsible. Everything that I have just now said on behalf of decentralization I stand over, even as the spokesman for the present proposition, and the optimistic view I take of the future of the Bar, not merely as a profession, but as an instrument for the advancement of the public good, I am prepared to repeat. It is now not a question of principle, but simply a question of the more or less. Now, this is one of the amendments which I tabled on behalf of the Bar Council, and inasmuch as my views are very pronounced in favour of the scheme of decentralization I found it necessary to get a special brief for the proposal to reduce to £200, and so with your permission I propose now to read from the brief: "A case in contract—"

**Mr. JOHNSON:** On a point of order, I desire to ask if these are the Deputy's own views?

**Professor MAGENNIS:** That is a question which, I submit with all respect, the Deputy is not entitled to ask with regard to another Deputy. We are all here as representatives; we are here in a representative capacity, and an exponent so determined of democracy as Deputy Johnson ought to uphold, and strenuously uphold, the view which I am putting forward, that a Deputy here is not merely a Deputy by official title, but a special type of representative whose duty it is to expound the views of his constituents. I am speaking now as one of the members for the National University of Ireland. The National University of Ireland has a school of law in each of its constituent colleges, and one of the main functions of that school of law is to provide barristers and solicitors for the country. I should be failing—

**AN LEAS-CHEANN COMHAIRLE:** I would remind the Deputy it would be better to confine the discussion to the amendment before the Dáil.

**Professor MAGENNIS:** I am speaking on the point of order raised by Deputy Johnson, and not on the amendment. You will observe the distinction.

**Mr. JOHNSON:** The point of order that I have raised is really one that will have to be decided some day, and it is whether a Deputy is entitled to read views which are not his own not merely to illustrate his argument, but really to make somebody else's speech—the speech of a person who is not a Deputy.

**AN LEAS-CHEANN COMHAIRLE:** I do not think it is fair that that should be done, but the Deputy who has raised the point did the very same thing here himself on a former occasion when he read from "The Jail Journal." I think on these matters it would be better if Deputies confined themselves to the amendments on the Order Paper.

**Professor MAGENNIS:** With all respect, Deputy Johnson is trying to impute to me with what I must call, for want of a better term, a perverted view of the position which I am taking up. I merely draw attention to the fact that at one and the same moment I, as a representative here, uphold the principle of the Bill, and at the same time seek to depart, as regards one small item of its details, from what the Bill contains, in correspondence with the recommendations of the Judiciary Committee. If Deputy Johnson chooses to raise constitutional questions in connection with that, surely that is his own affair, and there is a fitting time and way for raising these questions. This is merely a humorous turn which he seeks to give to a very serious debate. I claim I am perfectly within my rights as a Deputy to declare that the views which I hold and seek to put before you now as to the reduction of the figure from £300 to £200 are views impressed upon me by distinguished members of my constituency. It is a question of greater or less candour and honesty.

Deputy Johnson expounds here doctrines the source of which volume, chapter and verse I could give. Is every speaker here, when he is using information or special knowledge to im-

[Prof. Magennis.]

press the Dáil in favour of the conclusion to his argument, obliged to say: "I am now quoting from John Smithkins, volume 3, on the advantages of keeping a cat." If that is your ruling, then I think our speeches will have to be considerably elongated.

**AN LEAS-CHEANN COMHAIRLE:**

The Deputy is in order to give the quotation.

**Professor MAGENNIS:** Thanks very much. The case in favour of the reduction from £300 to £200 is this: Usually in an action up to £300 there are intricate questions of fact, and sometimes difficult questions of law. A very cautious solicitor, in charge of such a case, would feel himself bound to bring down from the central Bar in Dublin eminent counsel at great expense. That may be useful to the Bar, but I think it is to the credit of senior counsel that they take the view that though that would add to their remuneration it would increase the burden of cost to the litigant. If the case were, as a matter of course, brought in the first instance before the High Court, the parties to the action would be satisfied usually with the decision of the High Court as being a decision of the High Court, and litigation would come to a natural end. If the case is instituted in a matter of £300 in a Circuit Court, the chances are that one of the parties will move under the facilities provided by the Government's amendment, which is to be reached shortly, to have the case brought to the High Court. That is a suit involving costs, and then at last the case is brought in the High Court in any event. The proposal is this, that where a case is a very big one, and likely to involve a long hearing, together with the expenses I have indicated, other litigants are affected injuriously by the delay in the hearing of their cases, so that it is usually a question of convenience. Now, I am upholding the principle of decentralisation, and I repeat that the very extension of the jurisdiction of the Circuit Court would indicate a limit beyond which it is not desirable to go. That is the whole case.

**Professor O'SULLIVAN:** I do not

think that the last Deputy has made it quite clear why £200 is a more suitable limit than £300. I suggest to you that a case which involves £200 will raise as difficult a question of law as one involving £300, and, therefore, will be quite as expensive so far as the advice of eminent Counsel is concerned as a case of £300. I should be very sorry if the Dáil in any way did anything to diminish the limit of £300. I did not speak on the last amendment because it was so obviously against the whole spirit of the Bill, especially this portion of the Bill; so conservative as to be reactionary, and did away with the whole conception that the Bill has of the value of these Courts. I suggest that £200, considering the value of money now and the value of money when £50 was fixed under the Judicature Act, is not much of an advance. The other objection about the difficulty of getting verdicts from country juries owing to local prejudices I am glad to say has not been unduly pressed in this Dáil, if it has been pressed in the public papers. That, as you will see, is covered by an amendment that will come on very soon in one of the next Sections. I do not think that Deputy Magennis has made it clear that there is a different kind of case involved in a £300 action that is not involved in the £200 one.

**Professor MAGENNIS:** There is no doubt a great deal in what Deputy Professor O'Sullivan urges. There may be a very big point of law in a question that comes before a District Justice, and provision is made for that in the Bill. A case may be stated for the Judges of the High Court. There I am quite with him so far as regards that contention. All these figures are arrived at by way of compromise. The yard is 3 feet long, or 36 inches; that is the standard convention. If the yard is considered long, then 2 feet 3 inches is long, and 2 feet is not so long. Then where do we stop saying that the thing is long and begin to say it is short? These are all arrived at arbitrarily. Even the figure of the Judiciary Committee was arrived at by compromise. Some wanted it £500. It is a question of psychology really in the end. A man will, at a gaming table, stake more

money and yet more money; in other circumstances he will not. What makes the difference is the amount of the plus. There is no one in this Dáil so familiar with the fallacy in question as Deputy Professor O'Sullivan himself. He is an authority on these matters to whom I defer. It is known as the fallacy of the auction room. A.B. bids £10 for an article; someone says guineas. The auctioneer allows at that stage an increase of 10/-, and he advances another 10/-. But it is not an increase of 10/-; it is an increase of 10/- upon 10 guineas. It is a question of jumping from £10 to £11. These things have all, in other words, to be considered relatively. What Bar the solicitor will engage, a heavy Bar or a light Bar, will depend very largely upon whether the client considers the question at stake of sufficient importance, and the estimation of sufficient importance is based in the case of tort upon the amount of damages recoverable. So that I know perfectly well, and Deputy Professor O'Sullivan knows equally well, that I could not say the reason why £300 is more likely to involve the employment of senior counsel at great expense than £200 is. I can only say in a vague sort of way that experience shows that on the whole, in the long run, the employment of senior counsel is more likely to be necessitated by a £300 case than by a £200 case.

**Mr. DARRELL FIGGIS:** I have been interested in the arguments that Deputy Professor O'Sullivan raised countering the proposal to reduce from £300 to £200. He asked what different point of law was likely to be raised in one that would not be covered by the other. Supposing that he extended, what different point of law is likely to be raised in the £300 case that would not be covered in a £500, £600 or £700 case? Why not, therefore, continue to extend it? The argument cuts both ways. The appeal that this amendment has to my mind is this, that the larger the jurisdiction the greater the tendency, the greater the temptation there will be to bring the greatest possible amount of influence to bear in the first place, and also another matter that I will mention later. I raised this question of influence yesterday, and the

President dealt with it as though I were making some impeachment of Irish juries. There was no impeachment of Irish juries. It was a principle that was applicable not only to Ireland but to every country. The question is not whether juries are likely to be prejudiced. The question rather is that where a community is so small that each member of that community knows every other member of the community, that then you certainly have got a city population or a town population—or however one desires to describe that population—that is unsuitable to serve as a unit for the creation of a jury. That has been proved in other countries. I have myself on occasions heard arguing in France where local judges have tried local cases. Obviously it will apply far more in the case of juries, and I think that a jurisdiction of £200 would not lead to the same tendency to use local influence to prejudice a case as there would be in a case of £300. There is a further argument it is one that the President has referred to earlier to-day. He stated with considerable force that the value of money is not what it was, that the kind of case that would be covered by the earlier jurisdiction of the County Courts would not be covered by the same jurisdiction to-day because money has declined in its purchasing power. Allowing for that I suggest that £200 would be a sufficient kind of case to leave to the jurisdiction of the Circuit Courts.

And there is yet another argument. It was urged yesterday with considerable force by Deputy Redmond, and anyone who has worked out the figures must have felt it. It is obvious also that the drafters of the Bill felt that possibly 8 Circuit Judges will not be enough to cover the business to be done by these Circuit Courts. Provision has been made for assistant judges. Now, the reason why it is doubtful whether 8 Judges will be sufficient to cover the business is chiefly in regard to the extended jurisdiction of Circuit Courts in matters of tort and contract. Therefore, if that limitation were to be accepted by the Ministry, I think it would be far more in the capacity of the 8 Judges whom this Bill creates to handle the business that will arise within these

[Mr. Darrell Figgis.]

Circuit Courts. In arguing against the last amendment, Deputy Professor Magennis stated that while reports might not be available for the library of each of these Circuit Courts, digests would be. I am not a lawyer, but I do know something about the written and printed end of study in some of these matters, and I know that if you are going to get an adequate set of digests for each of these Circuit Courts and going to move them in the perambulation of the Courts from one place to another, you are going to have very heavy expense both in the furnishing of the libraries and also in their removal. I support this amendment because, I think, in the first place, £200 would give a range of business that would be more likely to be covered by the 8 judges created by this Bill than £300 would; and also because the larger the jurisdiction the more temptation there would be, and the greater inducement, to bring local influence to bear. We have got to recognise the fact that it is true of Ireland that our country towns are smaller, owing to historical causes, than country towns are in other countries. That means that if a large and important case, involving a considerable sum of money, were to be appealed to a jury from a country town in respect of one of the citizens of that town, there would be every opportunity existing for him to exert his influence and to prejudice the case. The larger the jurisdiction the greater that temptation would be. I suggest an important change has been made by this Bill. It has been affirmed in the principle of the Bill that at least for a beginning it would be unwise to extend that too far and that to make the jurisdiction of this Court £200 is sufficient, at least, for a time.

**The PRESIDENT:** Deputy Professor Magennis is very honest in this amendment. He used all his own arguments and then he used some of mine. I was going to inform the Dáil that the Committee at first suggested £500, and £300 was a compromise. This particular amendment is one, as Deputy Magennis knows better than any of us, that is most difficult either to recommend or to refuse to accept. It is really a ques-

tion of degree, and it depends on how far one brings to bear on the judgment of it experience or an estimate of its usefulness in order to decide how one's vote will be cast, as to whether it should be £300 or £200. As the case appears to me, I should say a really great attempt ought to be made to popularise these Circuit Courts; to make them the Courts in which people all over the country would have implicit confidence. In this country, perhaps more than any other, one is affected by the status of whatever institution is in question. That is one reason why I would like to see the status of this Court raised as high as possible with regard to its own particular jurisdiction. There is provision for the Court by agreement dealing with cases of any amount, but in considering whether or not the case would be brought in the Circuit Court, one of the first questions that will arise is what is the jurisdiction of the Court? If it be £200, and only £200, then a man who has an action for £190 will probably say: "We will try the High Court first." From that angle I would say it would be better that the sum should be £300. In fact, if my own opinion were taken, I would go another £100 and say £400, as we would then surely rope in all the £300 actions, as long as the higher sum was taken to be the status. As regards what Deputy Figgis said, I was rather glad to hear it, but I would point out that each of these Circuit Courts operates in a district in which the population is something like 300,000 or 400,000. That is a pretty considerable number to draw from for juries. In addition to that, it is open to the Circuit Judge to change the hearing of a case from one town to another. If, for example, a man living in a town called X has a case against a man in a town called Y, and that it is brought in the town of X, the Judge can change the hearing of the case to the town of Z, so that neither of the two parties would have any cause for complaint. I think the very large population in each one of these places raises again the status of the court and is a matter of very considerable importance. I would certainly prefer very much, even if these Courts were overworked, that there would still be only eight Judges,



because of the fact that they embrace a very large sector of the country within their ambit. That, to my mind, emphasises the status of the Court in the same way as the £300 case would as against the £200 one.

Amendment put and declared lost.

**Professor MAGENNIS:** I move:

In sub-clause (v.), line 1, page 12, to delete the words "including winding-up of Companies," and to delete from the word "and," line 3, to "£10,000," line, 4, inclusive.

The reason for seeking to withdraw the winding up of companies is because that requires very special machinery which, in this case, can best be had, in point of view of efficiency, as well as of economy, in the Central Court, or rather in the offices attached to the Central Court. It is one of the exceptions to the otherwise excellent principle of decentralisation. We feel that the winding-up of a company and questions dealing with the misfeasance of directors, and cognate subjects could be more effectually dealt with in the capital city, so that it is not by way of aspersions upon the competence or capacity of local auditors. There may, in the various areas, be quite as competent and quite as experienced auditors as in Dublin. It is merely that the tradition of this peculiar class of work is here and that is the sole argument.

**The PRESIDENT:** I am informed that there is no specialised machinery for dealing with these cases in the Dublin Courts, and I take it that if this amendment were passed it would mean that a company, if there be such in this country, with a capital of £9,999 could be wound-up in one of these Courts. I am not sure. I think it might take in the winding-up of companies with larger capital than £10,000. It would mean that the winding-up of companies was to be excluded from the jurisdiction of Circuit Courts altogether. I would undertake, if the Deputy likes, to consider that on the next stage, but I would not undertake to consider it very favourably.

**Professor MAGENNIS:** I am quite satisfied.

Amendment, by leave, withdrawn.

**Mr. DUGGAN:** I move:

In page 12, to delete lines 5 to 10 inclusive, and to insert in lieu thereof the following words:—

"(vi) In Bankruptcy.—In Local Bankruptcy Courts which may be established under the Local Bankruptcy (Ireland) Act, 1888, for which purpose that Act shall be construed and take effect as if the expressions 'Executive Council,' 'order of the Executive Council,' 'Minister for Finance,' and 'Chief Justice' were respectively substituted for the expressions 'Lord Lieutenant,' 'Order in Council,' 'Treasury,' and 'Lord Chancellor' wherever those expressions respectively occur in the said Act, and the words 'in any Circuit' were substituted for the words 'in Londonderry, Galway, Waterford, and Limerick, respectively, or in any of those places' where those words occur in Section 5 of the said Act: Provided that nothing herein contained shall take away or prejudice the right of any party to any action (not being an action for a liquidated sum, or an action for the enforcement, or for damages for the breach of a contract) to have questions of fact tried by a jury in such cases as he might heretofore of right have so required and with like directions as to law and evidence, but no party to an action for a liquidated sum, or an action for the enforcement or for damages for the breach of a contract shall be entitled to a jury unless the judge shall consider a jury to be necessary or desirable for the proper trial of the action and shall of his own motion or on the application of any party so order. Every jury in a Circuit Court shall consist of twelve members and the provisions of Section 24 hereof shall apply to every civil trial before a Circuit Judge and jury. Provided also that any party to an action commenced in the Circuit Court and pending therein may at any time apply to the Circuit Judge that the action may be sent forward to the High Court, and thereupon in case the action is one fit to be prosecuted in the High Court and the High

[Mr. Duggan.]

Court appears to be the more appropriate tribunal in the circumstances, the Circuit Judge may send forward such action to the High Court upon such terms and subject to such conditions as to costs or otherwise as may appear to be just, and an appeal shall lie from the exercise of the discretion of the Circuit Judge in granting or refusing any such application.

Provided also that a Circuit Judge may on the application of any party or without any such application, if he thinks fit, change the venue for the trial of any action pending before him from any one place of hearing to any other within his Circuit."

This amendment is a rather lengthy one. It really embraces what might be regarded as four separate amendments, because it refers to four entirely distinct and different things. There is an impression in the minds of some of the Deputies because of the manner in which the amendment appears in print that all of it relates to bankruptcy. That is not so. The amendment, in the first place, is intended to enable bankruptcy jurisdiction to be conferred upon Circuit Courts under the Local Bankruptcy (Ireland) Act of 1888. That means that in certain towns in which Bankruptcy Courts might have been set up under that Act it is intended that the Circuit Courts may have that jurisdiction. In the second place the amendment is intended to provide that the absolute right to a jury for actions for liquidated sums or contracts in the Circuit Courts shall be taken away. That is that very often in cases of that kind it is found in practice that they can be more effectively tried by a Judge without a jury; at the same time the amendment gives a judge ample power to have a jury whenever he thinks a jury would give assistance to him in the proper trial of the case. The third part of the amendment enables actions to be transferred from the Circuit Court to the High Court whenever the High Court appears to be the more appropriate tribunal; and, fourthly, the amendment enables a

Circuit Judge to change the venue of any action to any place within his Circuit.

**Mr. ALTON:** I am very glad to see that the last paragraph covers the point embraced in the amendment which I have put down. I suggest to the Minister that perhaps he might add the last condition that I have put in the amendment which stands in my name—"due regard being had to the convenience of suitors and witnesses" in the event of a change of venue. It may be a direction or a guide to the Judge, and also I think he might add that "no appeal shall lie from the exercise of the discretion of the Judge in this respect."

**Mr. DUGGAN:** That matter will be considered. As a matter of course, questions of convenience, and so on, are always considered in a change of venue.

**Mr. ALTON:** I know, but regarding the question of appeal, would it not be advisable to add these words to prevent unnecessary litigation and delay?

**Mr. DUGGAN:** I would like to consider that.

Amendment put and agreed to.

Amendment by Professor Magennis and Captain Redmond:—

To delete lines 5 to 10, page 12, and to substitute therefor:—

"In all actions heard before a Circuit Court where the amount of the claim exceeds £20, any party to an action shall have the right to have questions of fact tried by a jury of twelve members, with like directions as to law and evidence as applies to cases tried before a Judge and Jury of the High Court; but the provisions of Section 24 hereof shall apply to any such trial before a Circuit Judge and Jury."

**AN LEAS-CHEANN COMHAIRLE:**

The lines from 5 to 10 have already been deleted, and this might be taken on as an addition if the Deputy wishes to propose it.

**Professor MAGENNIS:** All I have to say on this is, that the proposal in my amendment is substantially met in that

which has just been passed. The existing practice in the County Court is that in all actions where the claim is not less than £20 and questions of fact are involved, not questions of title to the land merely, a jury is empanelled, but only a jury of six, and the proposal is to have a jury of twelve, then an appeal later from that to the Judge of Assize. We are getting rid altogether of the Judge of Assize for civil matters because, as I read the Bill, Deputy Redmond was wrong in imagining that the Judges of Assize might go round and might be asked to take up Civil cases. If they do go out it will be merely to deal with criminal trials. One of the drawbacks to this trial by a jury of six in the County Court was that when the appeal was heard by the Judge of Assize it was really a rehearing, and the Judge was in no way bound by the finding of that jury. It would be irregular for me, I think, to raise that point now, because it will arise in the interpretation of a later Section. The only thing I would have to say now in connection with amendment 16 is that it opens the way for raising that further question, because if we decided to lay down the doctrine that it was a matter of right for any party to an action to have a Judge trying the case with a jury of twelve, even having granted that power, there would be solid ground upon which to raise a further question as to the effectiveness or otherwise of the verdict arrived at by that jury. But upon second thoughts it seems to me that even with the amendment just passed, we have the standing upon which to raise the further question under the other Section. Consequently I withdraw the amendment with your permission.

Amendment, by leave, withdrawn.

Amendment by Mr. Alton:—

In page 12, line 5, to omit the words "Provided that" and to add, after the word "jury," line 10, the words "Provided that in every jury case where the contending parties do not all reside within the limits of the same Circuit as defined by Section 37, the Circuit Judge may, if he think it desirable in the interests of Justice so to do, direct that such

jury trial shall not be held in the immediate locality in which either or any of such contending parties shall be resident, or have a place of business or office, but shall be held in such other town or place within such Circuit as the Judge may direct, due regard being had to the convenience of suitors and witnesses, and no appeal shall lie from the exercise of the discretion of the Judge in this respect."

**Mr. ALTON:** I beg to withdraw that amendment. I am sure the Government will consider the suggestion that I have made.

Amendment, by leave, withdrawn.

Question: "That Section 48, as amended, stand part of the Bill," put and agreed to.

Amendment by Capt. Redmond:—

Before Section 49 to insert a new Section as follows:—

"When any action shall be pending in the Circuit Court which might have been commenced in the District Court, any party to such action may, at any time before service of notice of trial therein, apply to the Circuit Court that the action be remitted or transferred to the District Court, and thereupon, in case the Court shall consider that the action is fit to be heard in the Circuit Court, it may retain such action therein, or if it shall not consider the action fit to be heard in the Circuit Court it may remit or transfer such action to the District Court in which the same might have been commenced upon such times in either case and subject to such conditions as to costs or otherwise as may appear just."

**The PRESIDENT:** That is unnecessary. It has been provided for.

Amendment, by leave, withdrawn.

Section 49 put and agreed to.

Section 50 put and agreed to.

## SECTION 51.

There shall be transferred to the Circuit Court all jurisdiction which, at the commencement of this Act, was vested in or capable of being exercised by Recorders, County Court Judges, and Chairmen and

[Section 51.]

Courts of Quarter Sessions, or any of the same in Saorstát Eireann (save such jurisdiction of Justices at or of Courts of Quarter Sessions as is hereinafter conferred on or transferred to the District Court) and the provisions of Sections 21 and 22 of this Act shall apply *mutatis mutandis* to the jurisdiction vested in and transferred to the Circuit Court by this Act.

**Prof. THRIFT:** I move:—On page 12 to insert after the word “jurisdiction,” line 21, the words “not hereinbefore expressly excepted.”

I am not quite sure about the necessity for this but I think it is necessary. I move it really to get the Government's Law Officers to consider the necessity for inserting the words, and I myself am disposed to think that they are required.

**The PRESIDENT:** Yes, I will accept that.

Amendment agreed to.

Question: “That Section 51, as amended, stand part of the Bill,” put and agreed to.

#### SECTION 52.

Provided that the jurisdiction hereinbefore vested in and transferred to the Circuit Court in civil cases shall be exercised by the Circuit Judges severally as follows:—

- (i) In actions relating to Title to Land and Rectification of the Register, by the Judge for the time being assigned to the Circuit where the lands in question are situate, or where are situate the lands out of or in respect of which any incorporeal hereditaments in dispute issue or arise, or where the larger portion of any such lands may be situate.
- (ii) In Equity Cases, by the Judge for the time being assigned to the Circuit where matters of such kind have been heretofore heard by the Courts superseded by the Circuit Court.
- (iii) In Probate Matters and Actions, and Actions for Administration of estates of deceased per-

sons, by the Judge for the time being assigned to the Circuit where the testator or intestate at the time of his death had a fixed place of abode.

- (iv) In lunacy, by the Judge for the time being assigned to the Circuit where the lunatic or alleged lunatic ordinarily resides.
- (v) In all other cases, by the Judge for the time being assigned to the Circuit where the defendant or one of the defendants ordinarily resides or carries on any profession, business or occupation.

**Mr. HEWAT:** I beg to move:

“In Sub-clause (v.), line 52, to insert after the word ‘where’ the words ‘the plaintiff or’ and at the end of the sub-clause, line 54, to add the words ‘Provided that if the case comes for hearing in the Circuit Court where Plaintiff resides where a *bona fide* defence can be shewn the Court may transfer the hearing of such a case to what appears to it to be a more convenient venue, having regard to the convenience of witnesses or any other good consideration which may occur to the Court.’”

I think the principle that is embodied in my amendment is also covered by a Government amendment later on. Might I ask for the assurance that it will be dealt with by the Government? The principle that I seek to have embodied in the Bill is in all cases to extend the privilege given to the defendant to the plaintiff in cases where the Judge is clearly of opinion that the case defended is not prejudiced by being heard or dealt with where the plaintiff resides. I think that is obviously a privilege that he is entitled to; for instance, in a case where a claim is for a sum of money against any person in a remote part of the country, the case is quite clear, and I think it would be a hardship on the plaintiff to be asked to go down to the Circuit Court to prove it. If he is allowed to start his case in Dublin, say, and prove it by documentary proof or otherwise, I ask that he shall not be compelled to go to remote districts to prove. If a defendant puts in a case that has substance in it the

Court would have power to remit it to the district in which the defendant resides, and there is no objection to that, but where the case could be made clear to the Judge that the applicant has a case where no reasonable defence is put in he should not be compelled to go down to the Circuit Court in the defendant's district to prove his case.

**Mr. JOHNSON:** I would like to know from those who are capable of dealing with this matter what is the present practice. Is it not right to say that the assumption in such matters of civil liability is that the case must be dealt with rather at the place of business or residence of the defendant? That is the principle which has been hitherto embodied in the law. We know, of course, that in many cases the trial has been centralised, and the principle seems to me to be a good one. When the plaintiff has an action it should be in the area of the defendant, and it is the plaintiff himself should bear the responsibility of suing in the locality in which the defendant lives or has his business. It is rather reversing the procedure. One can imagine, for instance, a business firm in the city having accounts in all parts of the country, and in a wholesale manner taking such action as will mean that all the defendants will have to come to Dublin. I think the other course is much more reasonable, and that to remit should be the exception, that it should be a remission from the local Court to the central Court, and not the other way about. I hope unless there is a very definite case made and much more forcible argument used in favour of this amendment that it will not be accepted.

**Major COOPER:** This amendment is much the same as one in my name, and perhaps it would meet Deputy Johnson's wish if I explained what actuated the putting down of these amendments. It is true that the existing practice in the County Court is to proceed in the place of residence or business of the defendant, but we are giving these Courts much larger jurisdiction, and giving them power to deal with very much larger sums of money. It is perfectly right, and I concur with it that

when you are giving the power to deal with larger sums of money the interests of the business community should be considered. Deputy Johnson suggests it would be inconvenient for defendants to be brought up to Dublin from the country, but it would be equally inconvenient for a business firm to have its books posted to Letterkenny, say, one day, and to Listowel or to somewhere else the next. It is not an insurmountable difficulty; it could be surmounted, no doubt, by an office organisation, but in the case of a wholesale firm with accounts all over the country, and a considerable number of bad debts, this Section is going to give them more difficulty and more trouble than they have had in the past. I think the President has admitted that this Bill is not very popular in the city. I have had representations—I do not know whether Deputy Johnson has had them, too, and he represents the same constituency—from various classes of business people who feel that this is going to handicap them in their business. I would not mind that so much; what I am afraid of is that the result of leaving the provision as it stands in the Section and not adopting the amendment of Deputy Hewat or the one I have on the paper will be to restrict credit, and that in the future the wholesaler will not take the risk of having to send down to cases over the country, but will say "Cash with order," and that would cause a very serious disturbance in the business world. It will not be for the convenience of the retailer; it may be for the convenience of the wholesaler, but generally speaking it will check business and make the running of it less smooth than it had been before. Business has had great difficulties to contend with in the last few years, and I do deprecate any course that is likely to restrict credit and make it more difficult for the man carrying on business than it is at present.

**The PRESIDENT:** I believe the amendment, if adopted, would establish something which is contrary to the long-established rule in other countries, that the plaintiff must follow the defendant and sue in the defendant's district. If it were to achieve the purpose which has been described by Deputy

[The President.]

Hewat and Deputy Cooper, I take it we might also take into consideration what other reactions might occur. We will take it that I may be on holiday or visiting some remote part of the country and some person, who is displeased with something I do down there, takes an action against me. In that case I would be brought to a district a hundred miles from my base and would have to defend the action there. It is possible that more vexatious litigation might take place than would be compensated for by any advantage derived by the amendment. As I understand it, it is open to a person, if he is dissatisfied with the decision in a certain Court, to go into the High Court. A question then arises as to a change of venue, and I think these questions are usually decided upon the matter of convenience. If that be so, I should say the plaintiff would have no cause for complaint, and should it be likely to happen that dissatisfaction would be found with the juries in any one of these eight Circuit Courts, I am positively certain due consideration will be given to that fact if an application be made for a change of venue, and that the case would subsequently come to the High Court in Dublin. I do think what is the established practice in every country ought not to be changed here. If, even for a period, dissatisfaction should exist with the Circuit Court, we should keep our minds fixed on the fact that if people practise abuses or interfere with the institutions which we set up, then it is brought home to these people that there are alternatives to such a policy, and that justice in the long run will prevail. There will be fair judgments in these Courts, and nobody can complain that the defendant has not as good a right in this country as he has in any other. I do not see that it would be wise, apart from other considerations, to adopt the amendment.

**Mr. HEWAT:** The real meaning of the amendment is that in case of debt, especially in cases for the recovery of small debts, if the plaintiff has clear documentary proof of the amount being due he ought not to be put to the expense and trouble of going to a distant

part of the country. It does not provide that the case should be heard there in the event of a dispute, because where the defendant has a *bona fide* case he has not to come up at all, and automatically the case would go to the defendant's area. I do not wish to undermine the principle that the defendant has a right to have his own case tried in his own area. I do say that the practice in the past has very often been that where the defendant is not prepared to pay the amount of his debt he has no earthly claim to delay collection, but he makes use of it by putting in a defence with no facts to justify it. In this instance all the defendant has to show is that he has a good defence, and if it is a reasonable one, so far as the plaintiff is concerned, he may be called upon to waive his convenience against that of the defendant. It is really in cases where there is a bogus defence, or no defence, that the defendant should be brought out of his own area.

**The PRESIDENT:** Has the Deputy read the second paragraph of Amendment 15?

**Mr. HEWAT:** That is exactly what I referred to when I said it was not very clear. If that is a general provision it fairly well covers the case.

**Mr. DUGGAN:** It only refers to the first part of that amendment.

**Major COOPER:** Would it, in a case of that kind, carry High Court costs? That is the real difficulty. If you took a case, normally in the purview of the Circuit Court, to the High Court, you would have to pay very much higher costs.

**Mr. DARRELL FIGGIS:** I wonder does the second paragraph actually meet the case. The essential words appear to me to be "from any one place of hearing to any other within his circuit," whereas the amendment of Deputy Hewat says that the Court may transfer the hearing of such a case to what appears to it to be a more convenient venue. The two phrases I have quoted clearly are not co-incident at all. I think the argument the President put forward against this amendment neglected other important words

of the amendment. It says: "The Court may transfer the hearing," and it goes on to say, "having regard to the convenience of witnesses or any other good consideration which may occur to the Court." The force of all his reasoning in the matter is not in the least applicable to this amendment, as the amendment leaves the question of essential justice where the Bill has put it and only allows the venue to be changed when the Court has been justified that good consideration has been shown. I think we may take it that, human nature being what it is, no Circuit Court Judge is going to remove the venue outside his jurisdiction unless very good consideration is shown. The normal dignities, which may sometimes decline to be jealousies, attaching to his office would constrain him to keep it if he could. Therefore, all the argument of the President against the clause remains in spite of the addition of this amendment. The Court has first to be justified, and only when the Court has been justified can the venue be changed. Now, we come to the other point. How far, and within what range, should that change occur? The second paragraph of Section 15 limits it to the circuit. The amendment now before the Dáil does not do so. I think that as the Circuit Court Judge will keep what he can in order not to diminish his authority, the extra addition may, with advantage, be adopted.

**Captain REDMOND:** I wonder would I be in order in suggesting that Amendment 15 be re-drafted to make it more clear in the first paragraph that several different matters are being dealt with.

**Mr. DUGGAN:** It is merely a matter of printing. With regard to questions raised by Deputies Major Bryan Cooper and Hewat, it is the intention that the Circuit Courts should have the same jurisdiction as the High Court has. In some cases there the defendant put in an appearance where he had no defence. Notwithstanding that appearance it was open to the plaintiff to apply for judgment on the ground that there was no defence. The Court could then give final judg-

ment. It is the intention that Circuit Courts should have that power.

Amendment, by leave, withdrawn.

**Major BRYAN COOPER:** I think the business community will be very much rejoiced by the President's statement, and therefore I withdraw Amendment 21 on the Order Paper.

Amendment, by leave, withdrawn.

**Major BRYAN COOPER:** I move:

"In line 54 to add at the end of sub-clause (v.) the words:—'save in the case where the plaintiff or one of the plaintiffs ordinarily resides or carries on any business profession or occupation outside the jurisdiction of Saorstát Éireann, in which case it shall be exercised by the Circuit Judge for the City and County of Dublin.'"

This deals with a different issue. I move it because I want to deal with a doctrine laid down yesterday in this Dáil by Deputy Magennis in which he stated he did not want to make it easy for anyone in Manchester to collect debts in Ireland. We look to Universities for enlightenment. That seems to be a doctrine of darkness. A man should be able to collect his debts whether he lives in Massachusetts, Manchester or Mullingar. It is a test of civilisation. I am quite certain that that statement of Deputy Magennis, if it had gone uncorrected, would have done a vast amount of harm. It is known that there is a propaganda against this country, and so far as one individual can, I have tried to meet that propaganda and fight it. I put down this amendment so that it would show that we were prepared to go forward and meet the fears of people doing business outside this country. It has been said that it would be impossible for a North-Irish or British merchant to get decrees in the Irish Courts. I am not enamoured with the provisions of the amendment. What I would prefer would be that if I should withdraw this amendment the Government would consider the inserting of certain words in the Bill to make it clear that anyone could go to the High Court and get a decree. The President warned us against believing all the Attorney-General said in interviews. I had one

[Major Cooper.]

with him about this, and I think what he said was genuine. It would allay the fears of such people as are concerned and would have more justice done for the country if the clause I suggested were in the Bill.

**Professor MAGENNIS:** I am very much indebted to Deputy Major Bryan Cooper for bringing me back to the days of infancy, and giving me elementary lessons on elementary matters. I did not require to be told, and I did not expect to be told, that I ought to uphold the credit of the Irish nation at this particular moment, when so-called friends of the Free State and so-called defenders of the Treaty carry on insidious propaganda against its credit. There is scarcely a British newspaper, more particularly a Sunday issue, in which this propaganda is not sedulously cultivated. When I spoke against Deputy Figgis' arguments it was against Deputy Figgis, and not against any proposals as to the machinery for the collection of debts whether the creditor in question lived in Massachusetts or in Mullingar. I protested against legislation being made to facilitate foreigners which was to be withheld from natives, a very different proposition. Now, let us consider Deputy Major Bryan Cooper's amendment. What does he propose? If a merchant in the City of Dublin is owed money by one of the natives of Mullingar, all the inconvenience that he considers it to be must be suffered by the merchant in Dublin, but happily if it were a merchant in Liverpool or Birmingham, thanks to Deputy Cooper, there would be a special clause in this Bill to make things easy for him. I believe in equality being equity. "Many of the critics," said the Attorney-General in that interview from which I quoted to-day, "exercised their criticism because they have not taken the trouble to read and understand the Bill." There is nothing to prevent those cases from being taken in the High Court in Dublin and remitted to some other place. It may be even sent down to the District Justice. If people take the trouble to read the measure they would find one of the earliest things we passed

contained that provision. In the amendment we passed half an hour ago the case may be transferred from a Circuit Court to a High Court. If your Manchester merchant over whose woes we are to wail finds it more convenient for his witnesses and his books or for other reasons not to have the case determined in one of these local courts, then he need not choose that venue.

But why are we to introduce a special clause to overload the District Court for the City or County of Dublin merely to facilitate trade outside? There is another question besides this question of our credit. I do plead guilty, even though I have also to confess to the other crime of being a University representative, to the view that I would like to see Irish products bought and sold in Irish shops by Irishmen. That is another reason why, I think, this kind of proposal is not altogether desirable. Furthermore, I know of at least one debt-collecting agency which makes huge sums of money—as I mentioned yesterday and I repeat it to-day, advisedly—by this practice of slipping in a writ, as it is called, on behalf of one of those Cross-Channel firms that are creditors, and again and again men pay up, and pay the heavy costs incurred by the transaction. That is not quite a reasonable thing to advocate. I suggest that when Deputy Major Cooper comes to read the official report of what I said yesterday, he will discover that he spoke in haste, to use a Biblical expression, and he knows the rest of the context.

**Major BRYAN COOPER:** Deputy Magennis has suggested that one or two of us did not read the Bill. I am afraid that he has not read the amendment paper, because he will see that this amendment of mine is consequential on the amendment immediately before it, and it was necessary to make some provision for cases where a plaintiff resided outside the jurisdiction of the Saorstát. I agree with Deputy Magennis that I would like Irishmen to deal with Irish firms for Irish bread and butter, but you must recollect that there are things you cannot buy in Ireland and you have to go to England for them. In any case, if a man chooses



to go to Manchester he ought to pay his debts there.

As regards equality, I agree that people should be treated with equality. It is just as troublesome for a man to come from Belfast or Liverpool to Dublin, as for a Dublin man to go to Mullingar and have his case tried. I do not propose to press the amendment, and I am perfectly willing to withdraw it, having made clear that it is possible to have a case tried in the High Courts.

**Prof. MAGENNIS:** With regard to amendment 17 yesterday which was down in the names of Deputy Redmond and myself, it was a remitting amendment, allowing any action to be remitted. I drew attention to the fact that the Government amendment tabled on page 6 covered that, and provided for a variety of things. Therefore, I gave evidence yesterday of having read the amendments, and if someone misconceives my position to-day that does not alter the fact.

**Mr. DUGGAN:** What Deputy Magennis has said more or less covers what I intended to say on this matter, and it was this:—That the plaintiff who resides outside the jurisdiction can originate his proceedings in the High Court, and the High Court then has full power to deal with the matter from the point of view of fixing a suitable venue, having regard to the convenience of all parties. For that reason I do not think that Deputy Cooper is losing anything by withdrawing.

**Major BRYAN COOPER:** Then I desire to withdraw the amendment.

Amendment, by leave, withdrawn.

Sections 52, 53, 54, and 55 put and agreed to.

#### SECTION 56.

The following matters shall be excluded from the jurisdiction of the Circuit Court:—

Habeas Corpus, Certiorari, Quo Warranto, Prohibition, Information and Mandamus.

**Prof. MAGENNIS:** I move:

In line 13, to add at the end of the Section the words "and all cases exceeding in jurisdiction the juris-

diction given to the Circuit Court by Sections 48 and 49 of this Act."

This amendment is merely lest some ingenious person should regard this as the only exclusion from the jurisdiction of the Circuit Court. In earlier sections it is positively laid down that the jurisdiction of the Circuit Court shall be so and so, and then this declares that there are excluded from such jurisdiction these matters, and it is merely to make absolutely water-tight and unattackable the position that these words are put in. Some may consider that they are superfluous.

**Mr. DUGGAN:** I suggest to Deputy Magennis that the amendment is unnecessary, and, apart from that, it would deprive the Circuit Courts of the jurisdiction that is given to them by consent in another clause.

**Professor MAGENNIS:** That is so. I withdraw my amendment.

Amendment, by leave, withdrawn.

Section 56 put and agreed to.

Sections 57 and 58 put and agreed to.

#### SECTION 59.

Any action in the Circuit Court may be registered as a *lis pendens* and the judgment in any action for any sum exceeding £20 over and above costs may be registered in the Central Office of the High Court in like manner as actions and judgments of the High Court.

**Professor MAGENNIS:** I beg to move amendment 54, which reads:—

In line 27, after the words "*lis pendens*" to insert the words "where similar action in the High Court could at present be so registered."

This is merely to correct a phrase that would otherwise be too wide in its scope. The only action that can be registered as a *lis pendens* in the High Court is a case affecting land. It might be interpreted here without the qualification of the amendment that any case might be registered so that a man, for example, who wished to sell his land, might be held up by some one registering as a *lis pendens*, if there was a case of breach of promise against him, and heavy damages were looked forward to.

**Mr. DUGGAN:** Deputy Magennis has stated the procedure quite accurately, and as far as the Government is concerned there is no objection.

Amendment agreed to.

Section 59, as amended, put and agreed to.

#### SECTION 60.

The rules to be made under this Part of this Act shall provide for the service of all originating documents or notices both inside and outside the Circuit of the Judge before whom the matter is pending, and for the enforcement of any judgment or order of the Circuit Court by any process, appropriate to the particular case, against the person or property of any person amenable thereto in any part of Saorstát Éireann.

**Mr. DUGGAN:** I move the amendment in my name. It reads: "In line 32, to insert immediately after the word 'originating' the words 'or other.'"

The Section, as it stands, provides for the service of originating documents, but, in the ordinary course of practice, there will be other documents, the service of which will have to be provided for.

Amendment agreed to.

Section 60, as amended, put and agreed to.

#### SECTION 61.

Save as in this Act is expressly provided an appeal shall lie from any order of the Circuit Court in civil cases to two judges of the High Court sitting in Dublin. If such two judges differ in opinion the appeal shall be re-heard by such two judges with the addition of a judge of the Supreme Court.

**Capt. REDMOND:** I beg to ..... an amendment:

"In line 29, to substitute 'three' for 'two,' and in line 40 to delete from the word 'if' to the word 'Court,' line 42, inclusive."

This amendment necessitates a further amendment which I move to the next Section: that is, to delete the whole Section. The object of this amend-

ment is perfectly clear, and that is, instead of having two Judges in the Court of Appeal, in the first instance, with the possibility of calling in a third Judge, in case there is a disagreement, that there should be three Judges in the first instance, thereby obviating the possibility of anything in the nature of a disagreement. I do not think that any words of mine will be needed to recommend this proposed change to the Committee because the system as proposed in the Bill is only a matter of redundancy and duplication of hearing. It strikes me that it will be far simpler to have the original Court of Appeal consist of three Judges. I do not care very much whether they be two High Court Judges and one Judge of the Supreme Court, or whether they are three High Court Judges. But it seems far more sensible to have the original Court of Appeal consist of three Judges in the first instance than have it consist of two Judges with the possibility of there being disagreement, and then the necessity of calling in a third Judge and having another re-hearing on appeal. I beg to move my amendment.

**Professor MAGENNIS:** I would like to support the amendment for fear that the next amendment for which I am responsible might meet the happy dispatch. What Deputy Redmond has pointed out is the cardinal defect in this arrangement. You can suppose a case argued at great length by eminent Counsel before the Circuit Judge. The case is then heard again on appeal and argued again before two Judges. These Judges disagree, and Counsel and the case will be re-heard again. Notice what happens: You will have two final Courts. Suppose the law is laid down on the decision on appeal then the Circuit Court Judge is bound by it, because the thing is final. But the very same point of law may arise, independently in a High Court case, and may then be brought to the Supreme Court of Appeal, and the Supreme Court, as a Court of Appeal, may decide quite otherwise, and then that is the law; but when the same point arises again with the unfortunate Circuit Judge he is bound by the decision in the Appeal taken from him on the

previous occasion, notwithstanding the contrary decision of the Court of Appeal, so it does not seem as if the old idea expressed in rhyme which I remember well, by junior barristers, is to have effect, that, namely, "When the Court is made up of three you have a clear majoritee." It is easier to get a decision straight away by a majority of two against one, where there are three judges, and it saves all the trouble and involves the saving of other things as well, so I think it would be a very decided improvement to let the Appeal from the Circuit Court come before three Judges.

**MINISTER for FINANCE (Mr. Blythe):** This provision is in accordance with the report of the Committee. The system of appeal to two Judges, I understand, works well in England and elsewhere. However, the matter is one we are disposed to consider further with a view to seeing if we could come to an arrangement that would meet with general acceptance. I would not like to accept the amendment as it stands, because I do not think we quite agree with it, but we might be able to make some change to meet the Deputy if the amendment were withdrawn now and time is given to consider the matter further.

**AN CEANN COMHAIRLE** (at this stage) resumed the Chair.

**Captain REDMOND:** I am very much obliged to the Minister for Finance for what he has said. What I gather is that he is not now prepared to accept, nor to absolutely reject, the substance of my amendment. I would, therefore, like to impress upon him, and those responsible for the Bill, the necessity for considering the matter which he has so kindly promised to do, and I will, therefore, withdraw the amendment.

Amendment, by leave, withdrawn.

**Professor MAGENNIS:** The result of that is that I also ask leave to withdraw my amendment, No. 27, which is: Line 41, after the word "opinion," to insert the words "the decision of the Court below shall be affirmed to either party on appeal to the Supreme Court against such a decision."

Vol. 5.

**AN CEANN COMHAIRLE:** Amendments 26 and 27 are by leave withdrawn.

Question "That Section 61 stand part of the Bill," put and agreed to.

Section 62 ("Decision on Appeal final") put and agreed to.

### SECTION 63.

Such appeal shall be grounded on the report of an official stenographer, but the Court which hears such appeal may if it think fit admit fresh evidence, either oral or on affidavit, and may refer any matter arising on the report of the official stenographer to the Circuit Judge for his observations thereon and may either order a new trial or enter such judgment, in the case, as to the Court shall seem fit.

**Major BRYAN COOPER:** I beg to move my amendment to delete this Section. The amendment is directed against this Section, which provides that appeals in the Circuit Court shall be taken on the report of an official stenographer. I gather that no evidence shall be taken in such an appeal except it be fresh evidence. There are precedents for this Section in the English Court of Appeal, but I do not think they are very satisfactory. Even in these cases I believe it is usual for the Judge's notes to be put in for consideration by the Court of Appeal. These notes are made by a trained lawyer and ought to give every aspect of the law. Take one specific instance. The notes taken by a County Court Judge in England in cases argued on appeal come before the House of Lords, and it not infrequently happens that the House of Lords sends these notes back for further explanation. In the event of an appeal going to the High Court I cannot help thinking that it is a mistake to do away with the bringing up of witnesses. I am sure the Government's desire was to save expense to the litigants, but it must be remembered that the litigants will have to pay for the transcript of the shorthand notes, which may cost anything from £5 to £10. That sum, in many instances, would pay the expense of bringing witnesses to Dublin for the

[Major Cooper.]

hearing of the appeal, and I think that would be more satisfactory than to have the appeal decided solely on the official stenographer's report.

Then there is the question of accuracy. I do not know if the Government fully realises that as regards these shorthand notes which are solely to be relied on at the hearing of the appeal, it is a matter of vital importance to the parties concerned that they should be full and accurate. The Minister for Home Affairs was good enough to tell me some days ago that it was proposed to employ a staff of eight official stenographers. That is to say, there would be one for each Circuit Court. Everyone knows that if a stenographer has to sit in Court reporting a case that lasts for six hours, that his accuracy is bound to suffer. Further, when he has his notes taken down he has got to transcribe them, and that will occupy twice as long, at least, as the original notetaking. I am sure that more than eight stenographers would be needed for this work, and that of course would mean that the cost would be higher than the sum estimated. If the report furnished by the official stenographer is to be the only evidence considered in the Court of Appeal you must get highly expert men, and not merely highly expert men, but absolutely incorruptible men. You will have to pay them on such a scale that there will be no danger of corrupting these men. There is a story told of the late Lord Morris, who was a Lord Justice of Appeal. A neighbour of his in the Claddagh came to him and said, "My Lord, I have a law case, and what am I to do about it?" His lordship told him to go to a solicitor, who would charge him two guineas, and that the solicitor would brief a barrister for a fee of three guineas to plead the case in court. Sometime later Lord Morris met his neighbour and said to him, "Well, Tom, how did the case go?" The man replied that all the witnesses in the case were Irish speakers, and for that reason he did not brief a barrister, but, he said, "I briefed the interpreter and that only cost me £2, but I won my case."

I am afraid that if this evidence be the only evidence in the Court of Ap-

peal, we shall have to try to brief the stenographer. It will be very desirable to pay the stenographer very well. The estimate given by the Minister allowed about £500 per year each, but travelling expenses have to come out of that, and they will have to travel all over the circuit. The District Justice is allowed £200 yearly for his travelling expenses. The expenses of the stenographer will be just as much, and I do not think that a £300 a year man will be a man who will fairly exercise such a tremendous responsibility.

My second reason for wishing this provision deleted is that though I am not a barrister I have had, under the rather anomalous conditions that prevailed in the past, some experience in the administration of justice—at least I hope it was justice. I found that one learned far more from the demeanour of the witness, from the manner in which he answered the questions put to him in examination and cross-examination, from his slowness or from his glibness, as to what the real truth was than one would from reading his words, even though taken down with the utmost accuracy and correctness. I do not think that this Section 63 is part of the essential fabric of the Bill. Its deletion would not ruin the Bill irreparably, and I do beg the Government, although I know they attach importance to it, as the President mentioned it in his Second Reading speech, to take this very carefully into consideration, because it is my deep and earnest conviction that by maintaining it you may sometimes cause a serious miscarriage of justice.

**Mr. W. HEWAT:** On this matter I have to oppose the amendment. Deputy Major Cooper referred to the fact that in England the judge's notes have been found unsatisfactory on some occasions. I think the general impression on the part of the Committee was that they were very unreliable. At all events, the main central factor was that the County Court was, by reason of a re-hearing taking place on an appeal, turned into more or less of a farce. In other words, the evidence that would be given at the County Court was exploited for the purpose of an appeal. I think it is very im-

portant that in this Bill that system should not be perpetuated. The idea is that there will be at the Circuit Court a real genuine hearing and a real genuine decision.

In the absence of a re-hearing by the Court of Appeal, it is obviously desirable and important that the Appeal Court should have, as far as that can be got, a verbatim report of the proceedings. The only way to do that is by having the stenographer present to take down the actual verbatim evidence. Surely a judge with verbatim evidence before him of a case which comes on on appeal, will very easily be able to pick out the weakness and strength of the different sides, and in the light of the decision by the Circuit Court Judge, all he will have to examine really is, on the evidence, was the Circuit Court Judge right in his decision.

Deputy Major Cooper refers to the cost. Obviously it will amount to a considerable sum of money, but will it cost more than the almost uniform appeals taken from the County Court Judge? I venture to think not. I venture to think that you will have a regular system. When you go into the question of whether a stenographer is going to be entirely independent and honest in his reports, we must assume in the future, as we have no right to assume otherwise in the past, that people who are appointed in connection with the Courts of Justice and by the Government in every Department, will not have a lower standard of honesty than

the people of the country as a whole. To assume that a stenographer is going to be got at by litigants is to assume that your whole judicial system is in such a weak state that any, or every, part of it is liable to pervert the cause of justice for particular ends. Well, I am not going to assume that. I may not have as high hopes of the future as others, but I certainly have before my mind in the new order of things we have entered upon the hope that we will march forward and not backward. I do not think the Deputy has any reason to think that the Government in its administration of the country is going for one moment to tolerate that justice shall be brought into such a state of disrepute that we cannot rely even on a stenographer to be above anything in the nature of bribery.

**The PRESIDENT:** As it is getting close to 4 p.m., I move to report progress. There is no possible chance of finishing the discussion this evening, so it will have to be left over to the next sitting.

Agreed.

#### **THE DAIL RESUMES.**

Progress reported. The Committee ordered to sit again on the first day that the Dáil meets.

#### **THE ADJOURNMENT.**

**The PRESIDENT:** I move the adjournment until Wednesday fortnight at 3 o'clock.

The Dáil adjourned at 3.56 p.m.

# DÁIL ÉIREANN.

DÉ CEADAIOIN, 31adh DEIRE  
FOGHMHAIR, 1923.

(Wednesday, 31st October, 1923.)

Do chuaidh an Ceann Comhairle i  
gceannas ar a trí a clog.

## CEISTEANNA—QUESTIONS. [ORAL ANSWERS.]

### IMPERIAL CONFERENCE PROCEEDINGS.

**Mr. CONNOR HOGAN** asked the President whether his attention had been drawn to the report of the Imperial Conference proceedings, as published in the Irish Press on the 13th inst., and attributing to the Minister for Education the following statement:—

“If the League of Nations required a certain duty to be done, a certain amount of pressure, in whatever form desired, to be applied, I am perfectly certain that the nation for which I sit here would not be behind in doing that duty.”

Whether this declaration was in substance correct, and if so does it express the sentiments of the Government.

**MINISTER for HOME AFFAIRS (Mr. K. O'Higgins)** (for the President): The League of Nations is charged with the maintenance of world-peace so far as this laudable object can be attained by the influences at its disposal. In any efforts which may be made to that end, we will not fail to afford every assistance within our power and competence. This as I understand it, is the meaning of the words quoted. It must at the same time be remembered that the position of the Saorstát under Article 49 of the Constitution has been expressly preserved on its admission to the League of Nations.

**Mr. CONNOR HOGAN:** Arising out of the reply, will the Minister state

whether the armed forces of Saorstát Éireann will be exploited in adventures where the material interests of the nation are not concerned?

**Mr. KEVIN O'HIGGINS:** Will the Deputy read Article 49 of the Constitution?

### DUBLIN CENTRAL CRIMINAL COURT.

**AILFRID O BROIN** asked the President what neighbouring counties are to be included in the Central Criminal Court for Dublin; whether all the trials for the Central Criminal Court are to take place in Dublin; whether the City of Dublin jurors alone are to try all the cases to be dealt with by such Court, or if jurors from the counties interested are to be brought to Dublin for the purpose of dealing with cases from their respective counties, and, if so, whether they will be paid travelling and other expenses incurred.

**Mr. O'HIGGINS:** The Deputy will have an opportunity of raising this matter during the discussion on the Bill at present before the Dáil.

**Mr. ALFRED BYRNE:** In view of the fact that I have given notice of the question, I do not think that the answer of the Minister is a good and sufficient answer to the question.

**AN CEANN COMHAIRLE:** That is not a supplementary question.

**Mr. ALFRED BYRNE:** Well, he has not given an answer to my question.

### MEATH CO. COUNCIL EMPLOYEES' INSURANCE.

**Mr. DAVID HALL** asked the Minister for Finance if he is aware that the Meath County Council refused to stamp the National Health Insurance Cards of their employees, as from the 28th April, 1921, to the 3rd July, 1922, and that, as a result of such action on the part of the Meath County Council, a large number of the Council's employees were denied sickness and maternity benefit; whether a test case by the Insurance Commissioners against the Council was lost, and, if so, whether, in view of this decision,

County Councils are obliged by law to stamp Insurance cards; whether it is intended to take further proceedings against the Meath County Council and compel them to comply with the provisions of the National Health Insurance Acts, 1911 to 1923.

**MINISTER for FINANCE (Mr. E. Blythe):** It is a fact that the Meath County Council refused to stamp the National Health Insurance Cards of their employees from 28th April, 1921, to 3rd July, 1922, but the Council had very few insurable employees between April and October, 1921.

The Commission's attention was called to certain cases in which employees were deprived of benefit owing to the Council's omission to stamp their cards.

The Commission instituted prosecutions in seven test cases which were heard on the 13th June, 1923, before the District Court, Navan, and were dismissed on the ground that under Section 51 (7) of the Local Government (Ireland) Act, 1898, proceedings ought to have been instituted within 6 months of the date of the offence. There is no right of appeal from a dismissal of such proceedings. Proceedings could not have been taken earlier, as no competent Summary Courts had been functioning in County Meath for some time. County Councils are obliged by law to stamp insurance cards, and the Meath County Council has complied with the law in this respect since June, 1922. It is not intended to take further proceedings against this Council.

### DOUBLE INCOME TAX.

**Mr. JOHN GOOD** asked the Minister for Finance whether, in view of the trouble and expense arising from the deduction of double Income Tax from dividends on investments in Great Britain, he will have a full enquiry made into the whole matter and other arrangements substituted.

**Mr. BLYTHE:** (1) As this question appears to be very much in the public mind at present, I propose to deal with it at some length.

(2) Taxation at the source is fundamental in the British Income Tax system, and as we have taken over the

British Income Tax code it is also fundamental in ours. Even if we undertook the tremendous task of devising a new Income Tax system of our own it would not touch the difficulty which the Deputy has in mind, since British Income Tax would still be deducted from dividends on investments in Great Britain held by Saorstát Eireann residents. The Income Tax systems of Great Britain and of the Saorstát are, however, now quite independent of each other, and Saorstát residents have to realise that as long as they hold British investments there must be a certain amount of inconvenience arising from the fact that both Governments have a claim to Income Tax on the dividends. The Saorstát Government must collect from Saorstát residents the Income Tax to which they are liable by law, and tax deducted from Saorstát residents by the British Government does not reach the Saorstát Exchequer any more than French Income Tax or Australian Income Tax though many taxpayers seem to think it does or ought to.

(3) On the other hand, the question of minimising as far as possible the inconvenience to taxpayers consequent on the facts I have referred to has been receiving the continuous attention of the Revenue Commissioners for the Saorstát.

(4) In the first place an arrangement was effected with the British Government last April, the result of which is, broadly, that, after the necessary adjustments have been made, the total tax paid to both the British Government and the Saorstát Government will not exceed the tax which a Saorstát resident would have borne if there had been no deduction of British tax. In other words, there is normally in the long run complete relief from double taxation by the two Governments.

(5) In the second place, a special arrangement was effected with the British Government under which dividends from certain British Government securities, such as Consols, Local Loans, etc., where there is an ultimate liability to both British and Saorstát tax in respect of dividends accruing to beneficial owners resident in the Saorstát, should have tax deducted at

[Mr. Blythe.] the rate of 2s. 3d. British and 2s. 9d. Saorstát, instead of at the standard rates. There is an exception in the case of Stocks inscribed on the Bank of England register, as the Bank of England found it inconvenient to apply this arrangement in such cases. Stockholders can easily get the benefit of the arrangement, however, by transferring to the Bank of Ireland register.

(6) Finally we took power in the Finance Act to enable the Revenue Commissioners to relieve the Saorstát banks of the legal liability to deduct Saorstát tax on British industrial dividends which had already been subjected to British tax at the full standard rate, subject to certain necessary conditions to secure the ultimate payment of the appropriate rate of Saorstát tax by direct assessment on the taxpayer. The arrangement is applied only where the taxpayer desires it, and the effect of it in most cases is that, instead of suffering any double deduction of tax, the taxpayer pays direct the amount of duty due from him to the Saorstát Government after allowance of all appropriate deductions and reliefs. In most cases he is saved the necessity of making a repayment claim for Saorstát tax and is obliged to make only one repayment claim in respect of British tax as before.

(7) There are two suggestions which are constantly being urged on us:—

(1) That as regards British Industrial dividends payable to Saorstát Eireann residents we should simply collect 6d. in the £ here, in addition to the 4/6 British tax deducted in Great Britain, and have a periodical settlement with the British Government by which one-half of the British tax should be paid over to us, so that we should receive 2/9 in the £ and the British revenue 2/3 in the £.

(2) That all repayment claims made by residents in the Saorstát, whether in respect of British tax or Saorstát tax, should be dealt with by the Revenue Commissioners here and that they should obtain from the British Revenue

authorities periodically a refund of British tax repaid to claimants.

(8) Suggestions for both these arrangements were made to and discussed with the British Revenue authorities as far back as last March. The British authorities, however, considered that the difficulties on their side were insuperable, and, since it is obvious that such arrangements could only be effected with their concurrence, we had no option but to drop the schemes. I do not wish for a moment to be understood as reflecting in any way on the attitude taken up by the British Revenue authorities. They have in general shown themselves most anxious to be helpful, but the angle from which they are obliged to approach such questions is not necessarily the same as ours, and some things may give rise to serious difficulties on their side which would involve little or no difficulty to us. On the other hand, as it seems to be very widely assumed that the failure to effect the arrangements to which I am referring is due wholly to reluctance on our part, I think it desirable that the facts should be stated.

(9) It should be clear, therefore, that we have taken every possible step to minimise the inconvenience to taxpayers arising from the liability to Income Tax in both countries of dividends received by Saorstát residents from British investments, and that, as far as it lay in our own power, we have left nothing undone in this direction.

(10) For these reasons I am satisfied that no good purpose would be served by instituting the inquiry suggested by the Deputy.

**Major BRYAN COOPER:** Arising out of that answer and the statement that in the long run the taxpayer does not suffer, is the Minister aware that the run is a very long one at present, and will he take steps to expedite it as much as possible?

**Mr. BLYTHE:** We have done all we can, and we will do anything further that can be done. We are nearly as anxious as the people concerned to expedite matters.



### ASSISTANCE FOR PRIVATE BUILDERS.

**Mr. T. O'MAHONY** asked the Minister for Finance whether, in considering the advisability of assisting private builders—either by grants, favourable loan terms, or local rates relief—in the erection of approved types of houses, the opinions and advice of representatives of the Trade, selected by the Dublin and South of Ireland Master Builders' Association, will be ascertained; whether an early decision in the matter may be expected.

**Mr. BLYTHE:** If the occasion should arise advice in this matter will be sought from any quarter likely to be of assistance.

### CO. KILDARE SHOPKEEPER'S LOSSES—QUESTION OF COMPENSATION.

**SEOIRSE DE BHULBH** asked the Minister for Finance whether it would be possible to advance Edward Grace, a shopkeeper in Ballymore Eustace, Co. Kildare, some of the £500 claimed by him for damage and loss sustained during the movements of the Irregulars in the Wicklow-Kildare area, between June 30th, 1922, when a motor lorry was taken from him at Brittas, Co. Kildare, and various dates in July and September, 1922, when many articles of food and provisions were taken from his shop in Ballymore Eustace.

**Mr. BLYTHE:** Various applications for compensation from Mr. Grace are at present under consideration, but pending the hearing and substantiation of these claims in Court, I regret that an advance cannot be authorised. Every effort is being made to expedite the hearing of these and other claims under the Damage to Property Acts.

### THE GÁRDA SÍOCHÁLA AND THE R.I.C.

**RISTEARD MAC LIAM** asked the Minister for Home Affairs if he will issue a statement showing:—

(a) The strength of the Gárda Síochána.

(b) The salaries of the officers and men, terms of employment, pension rights, etc.

(c) The strength of the old R.I.C. in the area now known as Saorstát Éireann, in 1914.

(d) The salaries of the R.I.C. officers and men, terms of employment, pension rights, etc., in 1914.

**Mr. K. O'HIGGINS:** The strength of the Gárda Síochána on the 27th October, 1923, was:—

1 Commissioner,  
1 Deputy Commissioner,  
1 Assistant Commissioner,  
1 Surgeon,  
16 Chief Superintendents,  
28 Superintendents,  
69 Inspectors,  
814 Sergeants,  
3824 Guards. — Total, 4755.

In addition, there are 28 Cadets in training.

The rates of pay at present in operation are:—

Commissioner—£1,300 per annum.  
Deputy Commissioner — £1,000 per annum.

Assistant Commissioner — £900 per annum.

Surgeon—£700 per annum.

Chief Superintendents — £650 — 25 — £800 per annum.

Superintendents—£400—20—£600 per annum.

Inspectors—£310—10—£360 per annum.

Sergeants—£5 per week, with annual increments of 2/- per week to £5 12s. 0d.

Guards—£3 10s. 0d. per week, with annual increments of 2/- per week to £4 10s. 0d. per week.

Cadets are receiving pay at the rate of £5 per week.

The foregoing rates are, in all cases, subject to a deduction of 2½ per cent. as a contribution towards pension.

These rates were authorised in April, 1922, as a temporary arrangement. Prior to the passing of the Gárda Síochána (Temporary Provisions) Act, 1923, all appointments to the Force were on a temporary basis. Under the provisions of Sections 4 and 5 of that Act, the powers of appointment and dismissal are vested, as to officers, in the Executive Council, and, as to Sergeants and Guards, in the Commissioner. Section 9 of that Act conferred on the Minister for Home Affairs, with the

[Mr. K. O'Higgins.]

sanction of the Minister for Finance, the power of making a Pension Order for the Force. Such Order, before coming into operation, would require to be laid before each House of the Oireachtas and approved by resolution of Dáil Eireann. The making of a Pension Order is being deferred pending the passing of permanent legislation for the regulation of the Force. It is proposed to introduce a Bill for this purpose at an early date.

As none of the R.I.C. records were transferred to the Irish Government, it is not possible to furnish strictly accurate figures showing the strength of that Force in 1914. The following figures may, however, be taken as an approximately accurate estimate of strength on the 1st January, 1914, exclusive of those stationed in the Six North-East Counties, viz.:—

- 1 Inspector General,
- 1 Deputy Inspector General,
- 2 Assistant Inspectors General,
- 1 Commandant of Depot,
- 1 Barrack Master,
- 1 Surgeon,
- 30 County Inspectors,
- 163 District Inspectors,
- 179 Head Constables,
- 1587 Sergeants and Acting Sergeants,
- 5893 Constables.

Total, 7859

The rates of pay for the various ranks in 1914 were:—

Inspector General—£1,500 p.a., rising to £1,800 p.a. after 5 years.

Deputy Inspector General—£1,000 p.a., rising to £1,200 p.a. after 5 years.

Assistant Inspector-General—£700—25—£800 per annum.

Commandant of Depot—£600 p.a.

Barrack Master—£400 p.a.

Surgeon—£400 p.a.

County Inspectors — £350 — 20 — £450 per annum.

District Inspectors—£135 per annum, rising to £300 p.a. (In addition, good service pay varying from £12 to £50 p.a. was paid to a limited number of County and District Inspectors.)

Head Constables—£109 4s. 0d. to £119 12s. 0d. per annum.

Sergeants—£91 to £96 4s. 0d. per an.  
Acting Sergeants—£85 16s. 0d. per annum.

Constables with more than 6 months' service—£59 16s. 0d. to £80 12s. 0d. per annum.

Constables under 6 months service—£52 per annum.

The rates of pay were increased in 1916, and again in 1918, and finally in 1919. Rates based on the rates prescribed by the Desborough Committee in England were authorised for the R.I.C.

The grant of pensions to members of the R.I.C. was governed by a number of statutes, the more important of which, in 1914, were the Constabulary and Police (Ireland) Act, 1883, and the Constabulary (Ireland) Act, 1908.

The pension terms were considerably improved by the R.I.C. Pensions Order, 1922.

**Mr. WILSON:** Will the Minister give me the bulk sum of both, and the totals so that I could make a comparison of the totals for (b) and the total for (d)?

**Mr. KEVIN O'HIGGINS:** I have the individual items set out here, the pay for each rank, both in the case of the Civic Guard and of the R.I.C., but I have not made up the tot, and I am not in a position at the moment to give the tot to the Deputy, but the answer sets out the matter in full, and that will be circulated to the Press and given to Deputies.

#### REPORTED OUTRAGES IN WATERFORD.

**SEAN BUTLER** asked the Minister for Home Affairs whether he is aware of numerous cases of reported outrages during curfew hours upon the persons and property of the members of the Irish Transport and General Workers' Union in the area of the Waterford farm labour dispute, including the burning, about August 20th, of the furniture of J. Meyler, Secretary to the Knocklong Branch of the I.T.G.W.U., and the assaulting of J. Meyler and John O'Neill, and, if so, whether any arrests have been made in connection with those outrages, and to ask whether any steps have been taken to meet this form of crime.

**Mr. O'HIGGINS:** Full inquiry has been made into the outrages committed during the Waterford farm dispute, upon the person and property of the members of the Irish Transport and General Workers' Union named in the question. These outrages were committed during curfew hours, and only the persons concerned could be in a position to supply details. Except in the case of the raids on the houses of Bridget Power, M. Ryan and T. Hardy, the outrages were not reported to the Garda Síochána. In no case was the injured party able to give information which would lead to the identification of the raiders. Every possible step has been taken to apprehend the guilty parties in these outrages, as well as in the much more numerous outrages on the persons and property of farmers; but it has up to the present been found impossible to obtain the necessary evidence on which they could be traced and brought to justice.

#### **LEASING ATHLONE LANDS (QUESTION OF RE-STARTING SAW MILLS).**

**TOMAS MAC EOIN** asked the Minister for Industry and Commerce whether he will approach the Commissioners of Public Works, with a view to securing favourable consideration of a request for the leasing of certain lands held by the Commissioners, in connection with the canal at Athlone, and at present rented by Messrs. Wilson & Co., for the purpose of re-starting a saw mills, and providing much needed employment in the locality.

**MINISTER for INDUSTRY and COMMERCE (Mr. J. McGrath):** I understand that negotiations are proceeding on this matter between the Commissioners of Public Works and the party which has made the request for a lease, and that the Commissioners are awaiting a reply to proposals submitted by them on the 26th inst.

#### **PENSION TO SOLDIER'S FAMILY.**

**SEOIRSE DE BHULBH** asked the Minister for Defence whether he will consider the claim to a pension of the widow and family of five, the eldest of whom is not more than six years of age, of the late Private Christopher

Treacy, No. 48470, 2 Caragh Road, Naas; whether he is aware that this soldier contracted the malady from which he died whilst on active service with the Army on the Wicklow Hills; that this has been certified by civil and military medical officers, and that Treacy died on September 29th, 1923.

**MINISTER for DEFENCE (General Mulcahy):** The case of the late Private Treacy is not one which comes within the terms of the Army Pensions Act, 1923. It should be stated that prior to his discharge a Medical Board certified that his disability was not due to service in the Army. It appears that his malady was one of long standing.

**Mr. Woulfe:** Would I be in order in stating—

**AN CEANN COMHAIRLE:** No, the Deputy cannot make a statement.

#### **TREATMENT OF PRISONERS.**

**AILFRID O BROIN** asked the Minister for Defence if he is aware of the repeated statements being made with reference to the ill-treatment of Alderman Charles Murphy and many other untried prisoners now in custody; if he will cause enquiries to be made into the allegations.

**General MULCAHY:** I have seen statements made in July last alleging ill-treatment of Charles Murphy and others, based on disciplinary action taken against them, because of their participation in an attempt to escape from Hare Park Camp in the previous April. The allegations were duly enquired into. The circumstances were as follows:—

A number of prisoners escaped through a tunnel from Tintown No. 1 Camp on the 24th April last, and subsequently a number of tunnels similarly constructed were discovered in Tintown No. 2, and Hare Park Camps. It was necessary for the Military Governor of Tintown No. 2 to ascertain the names of the men who escaped, and in his efforts to do so he met with considerable opposition from the prisoners. That this opposition was the result of orders issued by the prisoners' leaders was proved conclusively by a document found on one of the prisoners, containing instructions as follows:—

[General Mulcahy.]

- " 1. The action we are taking to passive resistance.
- " 2. We are to ignore as far as possible every order given by the Free Staters.
- " 3. An absolute refusal to produce a man for the Free State.
- " 4. Obstruction of hut during inspection.
- " 5. Count to be rendered as difficult as possible.
- " 6. Hut O/C of any officer to refuse to order men to stand to their beds, when asked by Free Staters.
- " 7. Hut Council to meet and discuss plans."

In order effectively to prevent any other such escape by tunnel, orders were issued that steps should be taken to make the prisoners in the camps at the Curragh dig trenches around each camp. The prisoners' leaders were removed from the camps before the prisoners were made to commence this work, and a number of those leaders were transferred to the military prison at the Curragh Camp. The statements referred to allege ill-treatment here. The following report, dated 4th August, 1923, is the result of an enquiry into such allegations. The report reads:—

"The prisoners named were brought to military prison, Curragh Camp, at about 12 noon on the 24th April, 1923, and dinner was served out at 1 p.m., and about 5 p.m. tea, bread and butter was served out to each prisoner; 3 blankets, 3 bed boards, and 2 trestles were given to each prisoner. As the prisoners were considered dangerous they were handcuffed during the night. It is not true that any of them had to sleep on the bare floor.

"The rations each prisoner received was the soldier's ordinary rations. The rule in the military prison was that all blankets would be removed from cells after breakfast, and each cell washed out, as it was considered to be necessary for their own benefit to keep their cells clean. This the prisoners refused to do although other political prisoners in the military prison had done so. There were several other prisoners,

military and political, in the detention barracks at the time, and it was necessary to punish the men in question for the sake of discipline, and they were handcuffed in front for refusing to carry out Prison Rules.

"The statement that no knives, forks or spoons were served out is altogether wrong, as each prisoner was supplied with a knife, fork, spoon, mug and plate.

"The statement that eight of them were handcuffed to racks projecting from the wall is a gross falsehood; they were punished in no other way except by being handcuffed in front; the handcuffs were taken off at every meal. Bed boards and trestles were left in the cells all day and the prisoners could sit down or stand up as they wished."

I am also aware of many allegations made from time to time alleging ill-treatment of other prisoners. This is, however, merely portion of a general campaign of propaganda. A fruitful source of stories of such ill-treatment is found in necessary disciplinary action taken by the Prison Authorities often in very difficult circumstances for the purposes of:

- (1) Securely keeping prisoners in custody; and
- (2) Securing individual prisoners from aggression and intimidation by organised groups among the prisoners.

I think it well to read the following report on some recent happenings in Mountjoy in order that the Deputy may understand what difficulties, the deliberate creation of the prisoners themselves, have from time to time to be met by the Military Authorities in charge:—

"The political prisoners in Mountjoy have gradually tried to build up a military organisation. A prisoner 'military policeman,' wearing an armlet, used to stand at the entrance to each wing and prevent free intercourse between individual prisoners and the Governor's staff. All prisoners' letters passed through their hands for censorship by the prisoners' leaders. As a result, it was extremely difficult for those prisoners who wished to sign the

Form to get in touch with the Military Governor. They were caught and held in the vice of Irregular organisation. To meet this, the line Officers were instructed themselves to bring the prisoners' letters into the wing, to call out the prisoners' names, and to hand the letters direct to each individual. They were to collect letters in the same way only from individual prisoners. The prisoners' leaders answered this by preventing the rank and file from collecting or handing in their letters.

"On Tuesday, 11th September, a prisoner escaped from the exercise ground over the outer wall. It was necessary to find out as soon as possible who it was. The prisoners' leaders used the complete freedom of movement in the wings and exercise grounds to make this practically impossible—only a small proportion of them were identified.

"It was found to be absolutely necessary to curtail and control their movements. Sufficient cells were repaired in the 'A' Wing to lock up the prisoners there on Wednesday, 12th, letting them out at stated intervals for exercise, meals, fatigues, etc. A day later sufficient doors in 'C' Wing were fitted with bolts and padlocks to accommodate those prisoners already in 'C' Wing.

"The prisoners answered this by a general mutiny. An Officer of the Governor's staff was later informed by a prisoner that this mutiny had been in preparation for three days beforehand.

"There are certain vital essentials of control without which the safe custody of prisoners in a gaol cannot possibly be guaranteed. Every individual prisoner or group of prisoners must be prepared to enter or leave his cell on the orders of the Military Governor; also to enter the exercise ground from the wing or the wing from the exercise ground. In addition to these two points open military training and drill cannot be permitted—otherwise imprisonment becomes a farce.

"On the morning of Thursday, 13th September, while the Military Governor and another officer were in

the central 'circle' joining the wings, about 200 prisoners in 'B' Wing formed up and began to carry out open Company drill. This was a challenge of a flagrant and deliberate kind. It was impossible to ignore it. The Military Governor at once entered the wing with about eight police, armed with batons, so as to avoid, if possible, the necessity of firing and causing bloodshed. The prisoners were ordered out of the wing but refused to move. The few military police tried to force them out, but could not cope with the numbers, and, as iron missiles were being pelted down from above, the police were withdrawn. Immediately afterwards, the prisoners in 'C' Wing, on a signal, began to smash the doors of their cells, and in both wings there was an outbreak of general destruction.

"The Military Governor at once obtained permission from the proper Department to call in the military. Reinforcements of troops and police took up the operation of clearing 'B' and 'C' Wings. The prisoners in these wings continued the destruction and faced the troops in a very hostile and threatening way. A machine-gun was mounted and soldiers were posted to cover each side of the Wing to prevent iron bars, etc., being thrown from above. The prisoners were ordered to enter their cells, but refused until a couple of warning shots had been fired. Then they were ordered out to the Exercise Grounds cell by cell, but refused to leave. An attempt was made to drive them out with the hose, which the military brought into play, but it was not very successful, owing to the bad pressure of water. Eventually men had to be sent into the cells to drag the prisoners out, one by one. A good many fought desperately, others walked quietly until within the last few yards when in sight of their friends outside, when they began to struggle for appearance sake. Any prisoner who complained of the slightest illness was left untouched in his cell. The same process was then repeated in 'C' Wing. This was completed by about 5.30 p.m., when

[General Mulcahy.] the prisoners' dinner was put out to them in the Exercise Ground. About 6.30 p.m. they were allowed in again for tea, and remained in again for the night. The next morning, Friday, 14th September, "A" Wing, for the first time, joined in with "B" and "C" Wings, and all three refused to go out. It was noticed that a number of the rank and file, particularly in "A" Wing, would willingly have obeyed, but were too overawed by their leaders. This day, while "B" Wing was being cleared, "C" Wing prisoners brought as much Government property (i.e., tables, stools, trays, etc.) as they had time to collect, into their Exercise Grounds and there burnt it. By the time these three Wings were cleared, evening was approaching. Work was at once started clearing the 300 cells of iron bars and possible missiles; and also all movable Government property which had escaped destruction. It was impossible to nearly finish the work that night, especially as there were very few police available. As it was a very fine, star-light night, and the prisoners had provided themselves with large coal fires, it was decided to keep them out for the night until the Wings were properly cleared. Before this decision was finally come to, and just after dark, the prisoners destroyed the railings, stone work, and some other valuable Government property in "B" and "C" Exercise Grounds. Searchlights were got shortly after and the destruction was stopped. The prisoners were still maintaining an extremely aggressive attitude, and it would have been much too dangerous to attempt to clear the Wings while they were in occupation. The prisoners were informed that any one feeling ill would be at once admitted and attended by the doctor. A few took advantage of this, but every case was only a slight affair. Tea and breakfast was brought to the prisoners outside. The work of clearing the Wings was completed by the next afternoon. Saturday, 15th September. The prisoners were then admitted, the gas and hot water heating turned on, fresh tea got, and everything done to

avoid any possible chance of serious injury. The doctor reported only a few colds and coughs. The prisoners in "B" and "C" Wings were then kept in on Saturday night until Tuesday morning, while work was carried on at high pressure by the Engineers, repairing the wrecked Exercise Grounds. On Monday (17th), "A" Wing was put out, the hose being used on some of the most aggressive leaders. About 35 men who stated their willingness to obey the Military Governor were left in the Wing. The remainder were brought to "C" Wing about two hours later. On Tuesday (18th), in the morning, "B" and "C" Exercise Grounds were sufficiently repaired to be safe to hold prisoners. The two Wings were accordingly cleared—except in the case of some 12 ringleaders all resistance was now over. Every other prisoner walked out or allowed himself to be led out. Every day a number of the more amenable prisoners are transferred from "B" and "C" Wings to "A" Wing. Several have been found who state that they have been anxious to sign the form for months, but dared not approach us, as they have been left under the power and authority of irreconcilable leaders." The report finishes there.

A hunger-strike was started in Mountjoy Prison on the 14th October. General statements have been made that the prisoners have been driven into this strike as a result of ill-treatment. Actually, the prisoners have been driven into the strike by their leaders, because the steps taken to control prisoners' movements in the prison have been such as effectively to stop work on a tunnel, upon which, it would appear, they had been engaged. This tunnel was found in an examination on the 17th October. It had been carried over a distance of 70 yards and would probably have been completed in another ten days.

**AN CEANN COMHAIRLE:** If I had been aware of the length of the reply of the Minister for Defence, I would certainly have asked him to circulate it in the Official Reports, because the giv-

ing of a lengthy reply prevents other Deputies, who have questions, from putting them later on. The time for questions is strictly now over, but I think for to-day, as we have had a couple of long replies, we may take the other questions for oral answers.

**Mr. ALFRED BYRNE:** May I ask, arising out of the Minister's reply, whether he is aware that within the past ten days, it has been stated that there is a witness to the ill-treatment of Charles Murphy, that this witness is prepared to make a sworn declaration that he saw Charles Murphy strung up on the racks in the prison, and that he has quite recently undergone a serious operation; if that statement is brought forward will the Minister make inquiries, or if he has any knowledge of unofficial punishment being inflicted on prisoners by their gaolers as a result of private vengeance?

**General MULCAHY:** I am not aware of any such statement. I am prepared to take reasonable steps to inquire into any allegation that is made into the treatment of prisoners.

#### **FERMOY MILITARY BARRACKS.**

**Mr. THOMAS O'MAHONY** asked the Minister for Defence whether it is intended to reconstruct the Military Barracks at Fermoy, and thus relieve unemployment in the town, and, if so, what is the extent of reconstruction presently contemplated, and when the work is likely to be advertised for public competition.

**General MULCAHY:** It is not yet possible to say whether it will be necessary to have a permanent military barracks in Fermoy.

#### **URBAN AREAS AND MOTOR TAX.**

**Mr. THOS. O'MAHONY** asked the Minister for Local Government whether, as Urban Councils have no representation on the County Councils who distribute the Motor Tax, steps will be taken to provide that, as in the case of Borough Councils, sums from this Tax should be reserved in favour of Urban areas, from which a large amount of this Tax is derived.

#### **MINISTER for LOCAL GOVERN-**

**MENT (Mr. Burke):** There is no power under existing law to make grants from the Road Fund direct to Urban District Councils as such.

When approving of local schemes for allocation of Road Grants, every care will be taken to secure that no unfair discrimination will arise as against roads in urban districts.

#### **DONADEA TURBARY RENTS.**

**Mr. JOHN CONLON** asked the Minister for Agriculture if he is aware that the landlord of the Dobbe estate, situate at Donadea, is taking proceedings against the tenants to enforce payment in full of turbary rents and arrears of same; whether eighty of those tenants have poor law valuations of £5 and under; whether their inability to pay the landlord's demands is due to the fact that they have been unable to save their turf this season, on the sale of which commodity they rely for a means of livelihood; whether in view of those circumstances, which also affect other estates in Co. Kildare, notably the Versehoyle property at Kilberry, Athy, he is prepared to bring about such amendment in the Land Act as will afford protection to tenants of this class.

**MINISTER for AGRICULTURE (Mr. P. Hogan):** I have received no communications and no information relative to the turbary rents in the district mentioned. I am not aware that any large number of tenants anywhere have failed to save their turf this season. I have no information in connection with the Poor Law Valuations of the eighty tenants referred to. If their Poor Law Valuations are £5 and under they will be dealt with under the 1923 Land Act, their holdings will be made economic, and they will be provided with turbary, so far as there is land and bog available. I do not consider it necessary to introduce legislation to deal with tenants who take turbary from year to year outside their holdings, and I have no intention of introducing a Bill for amendment of the Land Act.

**Mr. CONLON:** Arising out of the Minister's answer, might I ask if he would be so good as to look into some

[Mr. Conlon.]

documents I have relative to the Verschoyle Estate. I hold these documents in my possession. They reveal a state of things which one would imagine would be impossible except in a state of feudalism.

**Mr. HOGAN:** If I get the documents and the particulars I will have them investigated.

### **DIVISION OF MAYO ESTATE.**

**Mr. MARTIN M. NALLY** asked the Minister for Agriculture if he is aware that large tracts of untenanted lands on the Lynch Blossie Estate, Balla, Co. Mayo, acquired by the Congested Districts Board over fifteen years ago, are still undivided, and what steps, if any, are being taken to relieve the acute congestion which exists on this estate, where a large number of tenants are living on small holdings under £5 valuation.

**Mr. HOGAN:** With the exception of one acre, all the untenanted land on the portion of the Estate referred to in the Question has been disposed of since July, 1921.

The Attavale Demesne lands were excluded from the sale in 1908 and were not acquired until 1918, when the purchase money had to be found in cash and paid out of the Board's own funds. Owing to the depreciation of Land Stock and the heavy loss that would have resulted through re-sale under the Land Act, 1909, these lands have been retained in hands pending the passing of the Land Act, 1923, under which they will be sold as early as possible in suitable divisions.

### **LONGFORD ESTATES.**

**Mr. PATRICK McKENNA** asked the Minister for Agriculture whether he is aware that an absentee landlord, named Sholto Douglas, has included as tenants on his estate, which comprises the townlands of Curry, Cartrons, Moneylagan, and Lisnabee, near the town of Longford, in returns made to the Land Commission, a number of graziers, to enable the latter to come under the Land Act, 1923; whether the same landlord has another estate, part purchased, part unsold, in the parish of

Drumlish, which is held by some 80 tenants, with valuations ranging from £5 to £10; whether these and other congests of the neighbourhood are to be considered in the implementing of the Land Act, 1923; whether the claims of the above mentioned graziers to be registered as tenants are to be conceded; to ask what steps it is proposed to take to prevent graziers being returned as tenants within the terms of the Land Act, 1923.

**Mr. HOGAN:** I have no information about the Sholto Douglas estate to which the Deputy refers. Section 73 (2) defines tenanted land and makes special provision for tenancies which have been created since the 1st September, 1922. No land will be declared tenanted land by the Land Commission for the purpose of resale except in accordance with this Section. I do not know what the Deputy means by the term grazier. Its meaning varies with the point of view of the person who uses it—the Labour Party have one definition, the farmers another. There is a provision in the Land Act empowering the Land Commission when considering whether they will make a larger advance than £3,000 to a tenant to take into account the manner in which the particular farm is being worked. This provision gives the Land Commission ample powers to deal with tenants who are loosely called graziers, and I do not propose to extend them.

If there are eighty uneconomic holdings on the estate these holdings will be made economic so far as there is land to do it. The main purpose of the Act is to relieve congestion.

### **EVASION OF LAND ACT.**

**MÍCHEAL Ó HÍFEARNÁIN** asked the Minister for Agriculture, whether he is aware that the owners of untenanted land throughout the country are selling their land holdings, with the evident intention of evading the provisions of the Land Act, and whether the Minister will take steps to have it made generally known that the purchasers of such land are liable to have such land resumed by the Land Commission for the purpose of enlarging uneconomic holdings.



**Mr. HOGAN:** I am not aware that there is any considerable increase in the sale of untenanted land. I have already stated on the 27th July, in answer to a similar question, that the Government cannot interfere, or that I cannot interfere, with an owner's right to sell his property, but that the sale of property or the creation of freeholds or tenancies now does not in any way interfere with or modify the right of the Land Commission under the Land Act, 1923, to acquire land compulsorily for the purposes of the Act. The fact that "A" has sold his land, and that "B," "C," and "D" are now the owners, makes no difference.

The Deputy should remember that there is power to acquire land, not only from a landlord, so called, but also from a tenant purchaser or a tenant. The Land Commission will acquire land from either class if they require it. Any attempt to prevent the sale of land pending the operation of the Land Act would not increase in any way the powers of the Land Commission, but would only have the effect of decreasing the value of all the land of the country, and the farmers, big and small, since they own far the greatest area, would be the greatest sufferers by such a policy.

**Mr. HEFFERNAN:** Arising out of that answer, I would like to ask the Minister if he would not consider the advisability of publishing in some shape or form the fact that it is quite probable that in the case of any untenanted land that is sold now with the idea of evading the provisions of the Land Act, that the Land Commission will take up that land and divide it? The publication of such a notice would have the effect of stopping this.

**Mr. HOGAN:** I have already answered that question. The Land Act is there and everyone knows the provisions of it. If such a statement as the Deputy suggests were to be published it should not be confined to what the Deputy calls untenanted land. We would have to include tenanted land as well, and I would be surprised to hear any Farmer Deputy suggesting that we should publish a statement that no tenant should sell his holding.

**Mr. MICHAEL HEFFERNAN:** Arising out of that, I wish to say I did not mean to make that statement about tenants' land. I meant untenanted land. I also wish to point out that everybody does not know the Land Act.

**Mr. HOGAN:** I wish to point out clearly that the Land Commission will make no discrimination between what the Deputy calls landlords, and what I call a tenant, or a tenant purchaser.

**Mr. GOREY:** Arising out of that is it not a fact that a clear provision is contained in the recent Land Act whereby the Land Commission, or the Minister for Agriculture, can review all sales made since December twelve months.

**Mr. HOGAN:** I have referred to that.

**Mr. GOREY:** That is the position I want to make clear.

#### ALLEGED IRREGULARITIES IN DUBLIN POST OFFICE.

**Major BRYAN COOPER** asked the Postmaster-General whether he has received a letter alleging certain irregularities in the conduct of business at Denmark Street Post Office, Dublin, from Mr. M. T. Garnett, of Ranelagh, Co. Dublin; whether he has enquired into the allegations, and whether any action has been taken in the matter.

**POSTMASTER-GENERAL (Mr. J. J. Walsh):** I duly received the letter referred to. Enquiries were made regarding the allegations, and a reply, stating the result, was sent to Mr. Garnett on the 16th instant. No action was called for so far as the Post Office was concerned, beyond the provision of an officer to attend to the public between 1 p.m. and 2 p.m.

#### WRITTEN ANSWERS.

##### NEW NATIONAL EDUCATION COMMISSIONERS.

**Mr. JOHN GOOD** asked the Minister for Education, the qualifications, salaries, and terms of appointment of the Commissioners recently selected to discharge the duties of the Board of National Education.

**MINISTER for EDUCATION (Prof.**

**Eoin MacNeill**): The National Education Commissioners appointed by the President of the Executive Council for the purposes of the National Education Commissioners' Order (No. 10 of 1923) are Seósamh Ó'Neill, Secretary to the Ministry of Education, and Pádraic Ó Brocháin, Assistant Secretary to the Ministry and Chief Executive Officer of National Education. I am quite satisfied as to the qualifications of these Commissioners. They receive no remuneration for carrying out the duties of the Board. The terms of their appointment may be found in the Order already referred to (No. 10 of 1923).

### LOANS TO FARMERS.

**Mr. PATRICK McKENNA** asked the Minister for Finance whether loans are granted to farmers for the erection or improvement of farm dwellings and of out-offices, and, if so, upon what terms such loans are available.

**Mr. BLYTHE**: In view of the exceptional financial circumstances the issue of such loans has been temporarily suspended.

### TIPPERARY SHOPKEEPER'S COMPENSATION.

**MICHEAL R. O hIFEARNAIN** asked the Minister for Home Affairs when will the amount of the decree for £1,400 and costs, granted to Patrick Kiely, of Kilmoyler, Cahir, at Tipperary Sessions, on the 22nd June, 1920, as compensation for the partial destruction of his shop, shed, and stock in trade, be made available; and whether, in view of the well-known fact that Mr. Kiely suffered this loss owing to his national sentiments, and urgently needs the money, steps will be taken to facilitate the payment of the compensation at an early date.

**Mr. O'HIGGINS**: As the decree to which the Deputy refers was not defended by the County Council in the County Court it must be the subject of review by the Compensation (Ireland) Commission. An award by the Commission in substitution for the decree has not yet been notified to the Ministry of Finance, and the question of payment does not therefore arise.

### A CO. LONGFORD ROAD.

**Mr. PATRICK McKENNA** asked the Minister for Agriculture whether it is the intention of the Land Commission to complete the road on the McGregor estate, situated at Clonmucker and Manascallaghan, Co. Longford, which was begun in November, 1919, and abandoned when the road was half made; whether he is aware that about 60 people are suffering great inconvenience because of the condition of this road.

**Mr. HOGAN**: The construction of the road in question has been completed by the Land Commissioners so far as it serves the lands acquired by them, and it is not at present proposed to continue the road through lands which they have not acquired. There is no information to the effect that inconvenience is being caused by the condition of the road.

### TIPPERARY POSTMAN'S POSITION.

**MICHEAL O hIFEARNAIN** asked the Postmaster-General whether he is aware that James Aherne, Auxiliary Postman, attached to Fethard P.O., and acting as postman between Fethard and Killusty (a six-day walk), has been changed to another route, which is only a three-day walk, and his pay reduced accordingly; and whether there is any reason for this change and consequent reduction in pay.

**Mr. WALSH**: In accordance with the general policy now being pursued an unremunerative rural post, working from the Fethard Post Office, Co. Tipperary, was recently reduced in frequency from six to three days a week. The postman who was employed on this walk has 20 years' service, and being the senior of the six Auxiliary Postmen at Fethard, he was transferred to the post on which Mr. Aherne had been employed, and Mr. Aherne was given the three-day walk.

Mr. Aherne, who has only four years' service, is the junior auxiliary postman, and his terms of employment give him no claim to a permanent position.

### RATES ON SMALL HOLDINGS.

**Mr. THOMAS O'MAHONY** asked the Minister for Local Government whether, with a view to the more satisfactory and effective collection of rates on small holdings, it is intended to promote early legislation, imposing the liability for such rates on the landlords, as formerly, and to make provision for such increase in rentals as will reimburse this payment by the landlords.

**Mr. BURKE:** This matter is under consideration.

### EX-SERVICE MEN'S HOUSES.

**Mr. THOMAS O'MAHONY** asked the Minister for Local Government, whether, as the British Government grant for the erection of houses for ex-service men has been available for a long time—steps will be taken (1) to expedite the work necessary to determine the amount for Saorstát purposes; (2) to have the overdue schemes proceeded with at the earliest possible date, and so relieve present and impending unemployment; whether it has been laid down under the terms of the British grant that suitable local ex-service men should have a first claim on employment under those schemes.

**Mr. BURKE:** Representations have been made to the British Government as to some delay which has arisen in the appointment of the members of the Land Trust who will administer the British Grant of £1,500,000. It is understood that the members will shortly be appointed, when schemes for the application of the money will be arranged. It is understood that a certain amount

work has been in progress in connection with schemes which had been already settled, but progress has been hampered because of strikes. It is understood that it is the practice, in administering the schemes, to consider the claims for employment of the ex-service men referred to in the question.

### PRISON OFFICIALS' UNIFORMS.

**AILFRID O BROIN** asked the Minister for Home Affairs whether the cost to the State for making a chief warder's, a principal warder's, and a warder's uniform, *by a prisoner in*

*civil prisons*, for the year is, according to Prison Board returns, £2 0s. 6d., £1 13s. 6d., and £1 5s. 6d. respectively; whether this cost must be included in determining the actual cost to the State of the uniform supplied; and, if so, whether he will now see that it is included in the allowance in lieu of uniform given to the clerical officers of the Prisons Service.

**Mr. O'HIGGINS:** The figures furnished by the General Prisons Board as the estimated value of the labour of prisoners engaged in the making up of uniforms for chief warders, principal warders, and warders, are £2 3s. 3d., £1 16s. 3d., and £1 8s. 3d. respectively. The estimated value of prisoners' labour must not be added for the purpose of determining the actual cost to the State of the uniform supplied. The cost of maintenance of prisoners has to be borne by the State whether they are employed in the making of uniforms or not. Accordingly in fixing the amount of the allowance granted to clerical officers in lieu of uniform the estimated value of prisoners' labour will not be included. If these officers are not satisfied with the amount of the allowance now granted the allowance can be discontinued and uniform re-issued. The concession of an allowance in lieu of uniform to clerical officers in prison will only be continued subject to the condition that the concession involves no additional expenditure.

### PORTLAOIGHISE CONVICT PRISON STAFF.

**LIAM O DAIMHIN** asked the Minister for Home Affairs whether officers of the Portlaoighise Convict Prison staff, who slept within the prison, were supplied with free beds; whether an officer, on being transferred from another prison to Portlaoighise, was compelled to store away his bed or sell it; whether the staff at present employed in Portlaoighise are compelled to pay for the use of their beds, and if he will now take steps to see that conditions always attaching to Portlaoighise Prison in this respect are immediately restored, and that payment for the use of beds be stopped.

**Mr. O'HIGGINS:** Prior to the aboli-

[Mr. O'Higgins.]  
tion of the Convict Prison rank of officers in November, 1919, Prison Officers serving in Convict Prisons were provided with beds at the public expense. Following on the institution of general service officers, and the general increase in rates of pay, this practice was discontinued and all male officers who are permitted the use of prison beds and bedding, other than those who are compelled to sleep in as a reserve guard, are required to pay the sum of 1/- (one shilling) per week to cover wear and tear and incidental washing. It is not proposed to abolish this charge, which is reasonable and moderate.

I cannot find any foundation for the statement that an officer on transfer to Portlaoighise from another prison was compelled to store away his bed or to sell it.

#### COMPENSATION FOR VOLUNTEER POLICE.

Mr. DAVID HALL asked the Minister for Defence whether he is aware that soldiers of the I.R.A. who, in 1922, acted as Volunteer Police for a period of from two to six months, have received no pay or compensation for service or loss of time; if the Minister is aware that Commandant General Boylan, late O.C. of the 1st Eastern Division, guaranteed the sum of £4 per week to Battalion Police Officers, and that same has not been paid; and if it is the intention of the Minister to invite and consider such claims.

GENERAL MULCAHY: Claims of the kind have been received and are being investigated. When certified correct, payment at appropriate rates will be made.

#### REMUNERATION OF BALLYMORE-EUSTACE SOLDIER.

SEOIRSE DE BHULBH asked the Minister for Defence whether he is aware that Patrick Magee, Bishophill, Ballymore-Eustace, was promised remuneration by his superior officer, at the rate of £4 per week during his period of service with the Army, but that he never received any money for his services; whether Magee held the

ranks of Company Captain, Ballymore Company, Battalion Quartermaster, and Police Officer of the 3rd Battalion of the district; to ask when payment of the sum due will be made.

GENERAL MULCAHY: A claim which has only been received from Mr. Magee will be settled forthwith.

#### CLARE MAN'S ARREST.

Mr. CONNOR HOGAN asked the Minister for Defence whether, in the case of James Barron, Newpark, Co. Clare, arrested at his home early in July, 1922, it is still proposed to hold him interned, in view of the fact that he had not borne arms in the irregular campaign.

GENERAL MULCAHY: The release of Mr. Barron had been ordered and was about to be effected when he went on hunger-strike. As a result of his action it will be necessary to reconsider the question of releasing him later.

#### CO. KILDARE TRADERS' ACCOUNTS.

AODH O CULACHAIN asked the Minister for Defence if he is aware that although Mr. Arthur Browne, of Droichead Nua, has furnished bills (four times since the 29th May, 1922) to the Paymaster-General, Portobello Barracks, of £21 10s. for hire of motor cars, and £3 16s. for petrol and oil supplied to the orders of the Military Authorities, Naas Barracks, and certified as correct by Captain P. Kelly, that he has not been paid yet; and whether instructions will be given that this long over-due account be paid at once.

General MULCAHY: Mr. Browne's account will be settled forthwith.

AODH O CULACHAIN asked the Minister for Defence if he is aware that a claim of Mr. Joseph Fulham, Maynooth, for the hire of motor cars supplied to the orders of Sergeant Quinn and Dr. Grogan, of Maynooth, on behalf of the Military Authorities, in October, 1922, has not been paid yet, although six applications for same were sent in to the Paymaster-General, Portobello Barracks; further, if he is aware that the first bill sent in was

certified as correct by Adjutant White, of Lucan Barracks, and in view of the above statement whether the Minister will give instructions to the Paymaster-General to expedite payment.

**General MULCAHY:** The settlement of Mr. Fulham's claim is being expedited.

### COMPENSATION FOR LORRY.

**Mr. PATRICK W. SHAW** asked the Minister for Defence if he will allow further compensation to Mr. W. I. Jones, Connaught Street, Athlone, for a motor lorry commandeered by the military in July, 1922; whether he is aware that this lorry was the sole support of the claimant, that he only received £34 compensation and £41 for repairs, while his claim amounts to £230, which he claims as the actual loss he has sustained.

**General MULCAHY:** A Ford ton lorry was commandeered from Mr. Jones the 1st July to the 23rd August, 1922. He claimed £41 odd for damage and £27 per week for hirage, although the Army provided the driver and bore all running costs. He was allowed £38 odd for repairs, and £4 11s. per week for hirage, making a total of £75, in full compensation. It is not possible to allow anything more.

### ENCOURAGEMENT OF BARLEY-GROWING.

**SEAN O DUINNIN** asked the Minister for Agriculture whether he is aware that the cultivation of barley is not an economic proposition, due to high wages, wet seasons, and bad markets; that the acreage under cultivation is decreasing yearly, that foreign grown barley is imported to the detriment of the home-grown article; whether it is intended to urge distillers, brewers, and maltsters to give preference to the home-grown article, or to put a tariff on the imported article, and thus put the industry on a paying basis.

**Mr. HOGAN:** The price of barley, in common with that of other cereals, has not increased to the same extent as the cost of production of corn crops, and though the acreage under barley has decreased in recent years, there has been a larger proportionate decrease in

the area under other cereals in the Free State. The area under barley is at present not less than that of the years preceding the war. A proportion of foreign grown barley is used by Irish brewers who, it should be understood, are competing, particularly as regards their export trade, with brewers who buy their barley on the open market.

Representations, as suggested, will be made to the brewers, distillers and maltsters. Recent prices for this year's crop are somewhat better than was anticipated, and it is hoped that such a further improvement in price will take place as will render unnecessary such action as is indicated in the concluding portion of the question.

### RETURN TO WRIT.

**AN CEANN COMHAIRLE:** Tá orm a chur iniúl don Dáil go bhfuil an Cléireach tar éis freagra a fhágáil ar an rit a chuir sé amach i geóir Dáil-Cheannfair (Buirg) Bhaile Atha Cliath Theas, agus gur toghadh Aodh Ó Cinnéide i geóir an Dáil-Cheannfair sin.

I have to announce to the Dáil that the Clerk has received a return to his Writ and that Mr. Hugh Kennedy has been elected to fill the vacancy in the Borough Constituency of Dublin South.

### QUESTION ON THE ADJOURNMENT.

**Mr. JOHN WHITE:** I beg to give notice that on the motion for the adjournment I will call attention to the persistent illegal fishing on the west coast of Tirconail within the prohibited areas of Lough Foyle and Lough Swilly within the past two or three weeks.

### DEATHS OF MR. PHILIP COSGRAVE, T.D., AND SENATOR MCPARTLIN.

**MINISTER for HOME AFFAIRS (Mr. O'Higgins):** I feel that I am anticipating and fulfilling what would be the wish of every Deputy in the Dáil when I ask you, a Chinn Chomhairle, to convey, on behalf of the members of the Dáil, to the relatives of the late Mr. Phil. Cosgrave and Senator McPartlin the deep sympathy of the Dáil and of all its members in their sad bereavement.

[Mr. O'Higgins.]

Mr. Cosgrave was a mild, unassuming, selfless man. He was also a man of great, quiet strength of character, and he was utterly selfless; but he had the highest possible sense of duty and of discipline, and he shrank from no task, however painful, however invidious, in the service of the Nation and of the people.

Senator McPartlin was a man whom one did not need to meet very often in public life to realise that one was dealing with an extremely honest and intensely patriotic man. He had a great love of his kind. The country is the poorer for his passing. I feel this is not a matter that should call for speeches from members of the Dáil. I feel that in asking you, sir, to convey the deep sympathy of the Dáil to the President and other relatives of the late Mr. Cosgrave and to the family of the late Senator McPartlin, I am in fact speaking for every party and for every Deputy here present.

**AN CEANN COMHAIRLE:** I will ask Deputies to signify their assent in the usual way.

was passed in silence.

### **CIVIL SERVICE REGULATION (No. 2) BILL, 1923.**

#### **FIRST STAGE.**

**MINISTER for FINANCE (Mr. Blythe):** I ask leave of the Dáil to introduce the Civil Service Regulation (No. 2) Bill. We simply propose in this Bill to re-enact and to put in permanent form the provisions of the Civil Service Regulation Act, 1923.

**Mr. O'HIGGINS:** I beg to second.

Motion put and agreed to. Second stage ordered for first day of sitting next week.

### **MINISTERS AND SECRETARIES BILL, 1923.**

**AN CEANN COMHAIRLE:** The next item on the Orders of the Day is the second stage of the Ministers and Secretaries Bill, 1923.

**Mr. THOMAS JOHNSON:** On a point of order I would like to point out that when we adjourned on the last

day I think it was understood that this Bill would be circulated immediately. At least it was given a first reading on the understanding that it would be circulated and that members would be able to read it before the Second Stage came on. My information is that it has not been circulated, and I submit, therefore, it is not in order to take the Second Stage to-day.

**AN CEANN COMHAIRLE:** The Second Stage was ordered for to-day and appears on the Order paper in accordance with the order made by the Dáil itself. Since the Bill has not been circulated I take it that it is the intention of the Minister to move to discharge the order for second reading to-day and to put in on the Paper for another day.

**Mr. BLYTHE:** It was unfortunate that we asked for the second reading on the first day we met after the adjournment. There were a couple of points outstanding which had to be dealt with before the draft of the Bill could be circulated and, unfortunately, it was not found possible to deal with them in the interval. As the Bill has been read a first time, I would ask that the Order for second reading to-day should be discharged and the Bill put down for second reading on this day fortnight.

**AN CEANN COMHAIRLE:** The motion then is that the Order for second reading on the Paper to-day be discharged and that the Bill be put down for second reading this day fortnight.

Question put and agreed to.

### **THE COURTS OF JUSTICE BILL, 1923.—THIRD STAGE RESUMED.**

#### **SECTION 63.**

**Major BRYAN COOPER:** When the Dáil adjourned, an amendment, moved by me, was under consideration, and perhaps it would not be out of place if I were to re-state what the purport of the amendment was. My amendment proposes to delete Section 63 from the Bill. The Section, as it stands, provides that all appeals from the Circuit Courts shall be taken on the notes of the stenographer and only on the

notes of the stenographer, and my amendment proposes to delete that Section from the Bill. The reasons I gave for moving the amendment were twofold. The first reason was, that it would be almost as costly to the litigant to pay for the transcript of the evidence as it would be to bring the witnesses to Dublin. The second reason was, that in administering justice you learn a great deal from the appearance and demeanour of the witnesses as to how they answer questions put to them. You cannot cross-examine the shorthand transcript of the evidence. I do think it would facilitate the ends of justice if it were possible for the Court of Appeal, or the Appeal Tribunal, dealing with these appeals from Circuit Courts, which, remember, will have power to hear actions for much larger sums than has been the case hitherto, if the Judges in these Appeal Courts were to have an opportunity of seeing the witnesses and forming their own opinion as to their testimony. I should like to congratulate, not so much the Attorney-General, as the Dáil on the presence of the Attorney-General, and on the fact that he is now able to speak to us face to face instead of through the voice of somebody else. I should like, now that we have the Attorney-General here, to get free counsel's opinion on the subject, and to ask him what, in his view, would happen if this amendment of mine were carried. Would it not leave it optional to the Appeal Tribunal to adopt the procedure it thought best? If they wished to go on the notes of the shorthand writer they could do so, but, if they found that system unsatisfactory, it would be possible for them to turn to another method, and that is to adopt the method of hearing oral testimony. I think if possible we should leave this matter as open as we can, so as not to force the Minister to resort to the expediency of bringing in an amending Bill next year, if it is found that this provision does not work. I do feel that this Section is a blemish on the Bill, and therefore I should be very grateful to the Attorney-General if he would answer the points I have put.

**ATTORNEY-GENERAL (Mr. Hugh**

**Kennedy)**: This Section is really one of the principal reforms proposed to be effected by this measure. In considering the proposal it is well to bear in mind what are the existing appeals. The Circuit Courts will comprise, within their jurisdiction, the cases at present heard by the County Courts, and a section of the cases heard by the High Courts. The cases now heard by the County Courts are limited to a maximum of £50. Now, in these cases the existing appeal, known as a Civil Bill Appeal, is taken to the Judge of Assize and has a complete re-hearing. The Judiciary Committee were greatly impressed by the fact, as I think all members of the Bar familiar with Assize Court practice were greatly impressed, that the re-hearing given by the Assize Court has never been a satisfactory re-hearing. In the first place, it tends to a certain vice in the primary hearing before the County Court Judge. The hearing before the County Court Judge tends to become a trial run of the witnesses, and when a case comes on at a later stage before the Judge of Assize all persons interested in the case have learned its weaknesses and its strong points, and the fact of the trial gallop is often very obvious in the testimony that is given on the rehearing.

Further the Civil Bill appeal has suffered from the fact that the Judge of Assize has heard these cases in quantity within a very limited time, generally against a railway time-table. So that you have disadvantage from the point of view of the case as it was presented, disadvantage from the point of view of the tribunal as it heard it, and, in addition, to the successful party there was this added disadvantage that one might get a decree in a County Court, say in October, and would have to wait until the following March to have an appeal disposed of before the decree could be effective one way or the other. The Committee were greatly impressed, as I have said the members of the Bar and solicitors have always been impressed, by the fact that the Civil Bill appeal, as we knew it, was a most unsatisfactory form of proceeding.

The other cases, the cases which are now heard by the High Court, between

[Attorney-General.] the limits of £50 and £300 in value, which are commonly called Records, formerly were tried in a great hurry by the Judge of Assize or tried in Dublin. In these cases the existing manner of appeal is an appeal on Judge's notes, not an appeal by a rehearing of the witnesses, and every member of the Bar in this country has been greatly impressed by the great drawbacks that attend a hearing on Judge's notes. Either the Judge takes very elaborate notes, lengthy notes which prevent him having that acute observation of witnesses of which Deputy Bryan Cooper speaks, or he takes inadequate notes, and the result has been that there has been for years a demand in all the Courts here to have a stenographic report of the evidence as they have had in England for a very considerable time. The form of appeal in those cases is an appeal upon the evidence as given, raising the question of its admissibility and whether the verdict has been perverse, against the weight of evidence, or whether the damages have been excessive. There will be nothing novel in the appeal that is provided in this Bill in those cases save that a more complete record of the evidence will be available. A further matter which is of no small importance, as most practising members of the Bar are aware, there will be a record of the Judge's charge to the jury, which hitherto has not been available, and which often might provide matter which would be very interesting on appeal, as has been found in England. So that its novelty has been confined to the cases under £50. It prevents the anomalous rehearing of a Civil Bill appeal, and as regards the other class of cases it simply improves the existing appeal by providing more adequate material.

As regards the cost, the Assizes being done away with, the four circuits, which were a very large and expensive institution, as they had registrars and officials of various kinds, will now give place to the Circuit Court, which will rest upon an establishment practically equal to the establishment of the County Court, and the saving will far more than cover the provision of stenographers for the Circuit Courts.

We have, as a matter of fact at present, in the Chancery Courts, an appeal on what amounts to a stenographer's record of the evidence. The Judge of the two Chancery Courts here is at present provided with a shorthand-writer who takes a complete record of the evidence, and I believe it has always worked very satisfactorily. The Committee laid very great store by this provision. This amendment would go far to impair what they thought was a considerable reform, and accordingly the Government recommends very strongly this Section to the Dáil.

**Captain REDMOND:** I am very glad indeed that at length the Government thought fit to accept my suggestion, namely, that they should postpone the consideration of the Committee Stage of this Bill until we had the advantage of the presence of the Attorney-General among us. The Attorney-General has replied to my friend, Deputy Bryan Cooper, by making a general attack on the old Civil Bill appeal, and by stating that this method of appeal on stenographer's notes will be an improvement upon that method. As regards his statement that members of the Bar generally, and even, as far as I am aware, of the Judiciary Committee in particular, were against the continuance of the old form of Civil Bill appeal, I am afraid I cannot be in agreement with him. The Civil Bill appeal is the most essentially Irish portion—in fact it is practically the only Irish portion of the existing County Court system in this country. It may be true that in the past it has not worked well in many instances, but I say that that is a matter of finding fault with the past administration of that system, and not with the system itself.

The Attorney-General has thought fit to call what will be an appeal on the stenographer's notes an appeal. I say it shall be nothing of the kind. In the first place, it will not be an appeal upon questions of fact. That appeal goes by the board. It will only be an appeal on questions of law, and anyone who has knowledge or experience of the English system, as it now works, knows that appeals on questions of law are matters very difficult indeed to raise.



In fact, the present proposal is to nullify appeals. It comes to this, that from the decision of the future Circuit Judge there is to be nothing in the nature of a serious appeal.

As far as the cost is concerned the Attorney-General blandly tells us that the cost, taking away the necessity for sending down Judges of Assize, will be about the same as the cost of the existing County Courts. I do not like to make a prophecy; it is a very fatal thing to do in legal as well as in political affairs, but does the Attorney-General mean to say that the new Circuit Judge, travelling round from town to town, for all we know, from village to village, in these huge areas which he will have to traverse with his enormous retinue, will not cost more than the existing County Court Judges? Is one stenographer going to be sufficient for the Circuit Judge? Surely the Attorney-General knows enough about shorthand writing to know that one stenographer cannot remain in Court all day taking down everything, as he will have to do, because questions of appeal do not arise, mark you, until the decision is given. Therefore, every little case and every statement made will have to be taken down. Does he mean to say that one man is going to be sufficient to take down, and, furthermore, to transcribe that night, everything that has taken place during the day? Of course he does not. Not only will there have to be at least two, but, in my opinion, there will have to be more than two stenographers. They will have to work in shifts, just like the official reporters work in this and in every other Parliament. They will have to come on and go off, and they will have to transcribe their notes and transcribe them almost immediately, because everyone knows that shorthand, even one's own shorthand, is a very difficult thing to transcribe unless you go at it immediately after the subject matter has been written in shorthand. All this being so, I am inclined to the conclusion, and I think it is a very reasonable one, that you will require a large retinue of skilled shorthand writers. And what about the typists? You will have to have typists going around as well. A man cannot take

notes, transcribe them, and do the type-writing all in one. You will have to have efficient typists, and as this caravan travels from day to day, from place to place, the troupe will have to be increased by typists, shorthand writers and others. As to the system being less costly to the litigant, I am not going to argue that; but one thing I will argue, that it will be more costly to the State, and that it will be more costly in its initial stages. The system of appeal on notes taken by Judges, of course, had its faults, but Judges have had their faults, too. The Judges we are going to appoint in the future under the Attorney-General's supervision, surely will not have the faults of the Judges who were appointed under the alien administration of days gone by. I would suggest that this Section, which is an entire leap in the dark, which is a pure experiment, which has not been tried in like circumstances elsewhere, should be dropped now, and that we should revert to the system which, if it has been maladministered in the past, because of its being a system, need not necessarily be maladministered in the future. The proposal is to have every case, every word, reported. Any one who is acquainted with County Court work—and I am afraid it is some time since the Attorney-General had to go to the counties, unlike some of the rest of his poorer brethren—knows that a case would present a very different appearance indeed upon paper, when A swears black and B swears white, and you do not see either A or B, to what it would present when you see A in the box and you also see B in the box.

A Judge has very often to decide a question upon the general demeanour and the veracity of the witnesses. Therefore, it all comes down to this. This proposal contained in this Section is to nullify appeals and to do away with any right—at least any practicable right—of either party, who through legitimate reasons ventures to quarrel with or differ from the decision of the Judge in making his appeal, both in fact and in law.

**Major BRYAN COOPER:** I am very grateful to the Attorney-General for his exposition of the Section, but he did not answer my question as to what

[Major Bryan Cooper.]  
effect the deletion of the clause would have—whether it would leave the matter open. Therefore, I cannot withdraw my amendment, but I do not propose to put the Dáil to the trouble of dividing, if this question is put, unless I have more support than I think I have at present.

**ATTORNEY-GENERAL:** Deputy Redmond has been very entertaining in his description of the future of this procedure, but it is satisfactory to be able to say that these stenographers will not be required to report counsel's speeches, and consequently they will have considerable opportunity for presenting a complete record of the matter that is material to the appeal. At present there is only one stenographer in each of the two Chancery Courts and he, to my own knowledge, discharges that duty without assistance with great efficiency. Deputy Redmond suggests that this section denies appeal in fact. I am afraid that Deputy Redmond cannot have considered the Section as closely as I think he should. The Section provides that a Court of Appeal may order a new trial or may vary a judgment so that if on the report of the evidence, which is presented by the stenographer, the Court of Appeal is satisfied that the evidence has not been acted upon in the order and in the way which the Court thinks is in accordance with law, or the weight of evidence, it will be open to the Court of Appeal to send back the case for re-hearing with such directions as it may think fit. There is one important consideration which I think is lost sight of, if the proposal to delete this Section is adopted. What is the alternative if the Section is deleted? You have appeals to Dublin. Are you to preserve the method of the full re-hearing of cases under £50, and convey the witnesses to Dublin for the full re-hearing by the Court of Appeal of a case already heard before a jury? If this process of appeal, on points upon which the former trials may have been unsatisfactory, is deleted then I say the right of appeal will be denied, because such a thing as conveying country witnesses to Dublin for complete re-hearing would be an unwork-

able process, and beyond the means of the ordinary people concerned in these cases. The matter goes to the root of the scheme outlined by the Committee and I say, notwithstanding Deputy Redmond, that the Committee was unanimous in recommending this particular provision. Therefore, it seems to me that the deletion of the Section is practically a denial of the right of appeal to these country litigants.

**Captain REDMOND:** I do not like to trespass on the Committee any further, but I must shew, at least the Attorney-General, that I have read the Section. The Section reads: "Such appeals should be grounded on the report of an official stenographer, but the Court that hears such appeal may if it thinks fit admit fresh evidence, etc." They have first to hear the appeal and it is not the method by which they have to hear the appeal that I object to. But the appeal which they propose to hear will not reflect the true state of the case. In regard to an alternative suggestion, I am perfectly prepared to make an alternative—in fact I made it a few weeks ago. Instead of deleting the Section, I would be prepared to propose another amendment which would make the Bill, to my mind, a more workable and practicable one.

The proposal I made some time ago, which I will ask you to endure for one or two moments longer, was this: I am not yet satisfied in my mind whether it was the intention of the Government ever to create what they defined in the preliminary Section of this Bill as Commissioners of the High Court Circuits. Those are the gentlemen which they say they might create at some future time to take the place of the old Judges of Assize in trying more serious criminal offences. If the Government do intend to send those Judges down the country to try the more serious cases of murder, treason, felony and so forth, I hope their time will not be fully occupied, and my suggestion was this. When they come round to the country they should then and there be empowered to take Appeals from the Circuit Courts up to the sum of £100. That is very reasonable. Here are those fine gentlemen enjoying fat salaries. They will be sent down to the country. They will

be engaged in considering the most serious forms of crime which are exempted from the jurisdiction of the Circuit Courts. They will have very little to do. Why not allow them at the same time to take Appeals from the Circuit Courts up to the sum of £100? In all sums over £100 let the Appeals go direct to Dublin. They will be a very small proportion of cases. They probably will eventually find their way to Dublin, and to take a short cut to Dublin, without going around through the proposed Court of Appeal, I say would, if anything, be advantageous to the litigant. That is my suggestion, as an alternative, in case the Government do think of creating these Commissioners of the High Court Circuits. If they have no intention of ever creating these Commissioners of the High Court Circuits, it is another matter. As I said on a previous occasion, I would like to hear what the Dublin jurors would have to say. If they have no intention of creating those Commissioners of the High Court Circuit, it will be seriously unfair to Dublin jurymen to have to try important and heinous forms of crime from all parts of the country. If they do intend creating these High Court Circuit Commissioners, why not give them a little more to do, and why not, in that manner, continue the existing form of Civil Bill Appeal which, I say, has proved satisfactory, and should be a satisfactory method of appeal in the future in spite of what the Attorney-General says?

**ATTORNEY-GENERAL:** There seems to be some confusion with regard to the Commissioners of the High Court Circuit. It is not intended to have two teams of Judges circuiting through the country. There will be a permanent Circuit Court. They will have criminal jurisdiction to a very considerable extent. The power is taken to have Judges of the High Court, which Court alone will have jurisdiction with regard to the more heinous forms of crime. Power is taken whenever the necessity arises to send out to any part of the country Commissioners who will be able to dispose of crops of this particular class of case. It is not intended to have High Court Commissioners

going out periodically dealing with any form of case. Only should the occasion arise by reason of a crop of crime of the more serious character, there is power to send Judges of the High Court to the locality to deal with the cases.

Question: "That Section 63 stand part of the Bill," put and declared carried.

Section 64 put and agreed to.

#### SECTION 65.

Section 27 of this Act shall apply to indictments in the Circuit Court.

Amendment by **Professor MAGENIS** and **Captain REDMOND**: In line one to delete the figures "28" and to substitute therefor the figures "27."

**AN CEANN COMHAIRLE:** I take it that this amendment refers to the marginal note. That can be altered in the office. There is no need for the amendment.

Amendment not moved.

Section 65 put and agreed to.

#### SECTION 66.

The Rule-making Authority for the Circuit Court shall be the Minister for Home Affairs with the concurrence of the Minister for Finance in respect of any matter affecting public revenue or expenditure and with the assistance of a Committee consisting of (a) five Circuit Judges selected by the Bench of Circuit Judges; (b) two practising barristers selected by the Council of the Bar of Ireland, and (c) two solicitors selected by the Council of the Incorporated Law Society of Ireland. Each member of the said Committee shall hold office for five years and be eligible for re-election and casual vacancies shall be filled in accordance with the foregoing principle of selection. The Chairman of the Committee shall be such one of the five Circuit Judges as the members of the Committee shall elect.

**Mr. GOOD:** In the absence of Deputy Hewat, I desire to move the amendment standing in his name. It is as follows:—

To insert before Section 66 a new Section as follows:—

[Mr. Good.]

"Where any documents which would, if duly proved, be admissible in evidence are produced to the Court from the proper custody, they shall be read without further proof if in the opinion of the Judge they appear genuine and if no objection is taken thereto.

If the admission of any documents so produced is objected to the Judge may adjourn the hearing for proof of the documents and the party objecting shall pay the costs caused by such objection in case the documents are afterwards proved, unless the Judge otherwise orders."

The meaning of this addition is so obvious that it needs no words to commend it. In the discussions in connection with this Bill, we have had statements about the necessity for sending witnesses to different parts of the country, and I think it is obvious, in adopting such a clause as this, that a considerable amount of expense would be saved, because documents which require proof, of course, need witnesses to prove them, and if we can take any steps whereby the attendance of these witnesses might be avoided, we will materially assist litigants and reduce expense. I understand that this is the practice on the other side, and I am sure that if the Government can see its way to adopt this proposal it will be in the interest of litigants.

**ATTORNEY-GENERAL:** I am afraid that this amendment could not be accepted. I do not know if any modification of it might be proposed, but as it stands it could not be accepted. I take it that what Deputy Hewat and Deputy Good have in mind is principally the matter of producing ledgers or account-books in proof of claims of debt. We all know that cross-examination is a very valuable asset with either party, and that it may be open to a defendant to cross-examine, if he has matter for cross-examination, on an account that is pressed against him. The probability is that he is opposing the claim because of some challenge to some material matter in the account. I have myself from time to time seen accounts presented in court and when cross-examination was directed to them

they were found to include items which were illegal under the Tippling Acts or the Truck Acts. It seems to me that the commercial community is really protected, inasmuch as they will have the right, both in the High Court and in the Circuit Court, in clear cases, to move for judgment on affidavit without trial, and if they make an unanswerable case on their ledger or account, verified by affidavits, they get their judgment as a matter of course. That is the ordinary procedure. It is only where the defendant has some matter upon which he can challenge the account that these actions ever go to trial, and if such be the case it is proper that the defendant should have the opportunity to cross-examine and apply to produce the accounts, and that the accounts should not be merely admitted to court as proof *per se*.

**Mr. GOOD:** I quite agree that there are cases in connection with detailed accounts where such a course as the Attorney-General outlines is necessary, but he can recall to mind cases in which documents produced in the ordinary course, must be proved. If they can be accepted as evidence without taking witnesses to distant parts of the country it would certainly be for the convenience of the commercial community.

**ATTORNEY-GENERAL:** Perhaps I might add that if it is a mere matter of proving a particular document that is admitted, and the particular document is a genuine document, there is a simple procedure by which that can be accomplished. The party who wants to have a document admitted for what it purports to be serves notice for admission upon his opponent. If his opponent refuses to admit the document and fails afterwards to show that it is not a genuine document, he is mulcted in costs. That is one of the recognised, everyday matters of procedure under the rules of the court.

Amendment, by leave, withdrawn.

**Mr. GOOD:** The next amendment also stands in the name of Deputy Hewat. It is as follows:—

To insert a new Section before Section 66 as follows:—

"Wheresoever any Circuit Judge shall in any proceedings brought under and by virtue of this Act grant a Decree, dismiss or order the same shall be with such costs as are provided by this Act."

That is a clause that at present stands in the Civil Bill Act. This Clause was a great convenience in the matter of collecting small debts, and if it could be incorporated in this Bill it would be a great convenience also in the Circuit and in the District Courts.

**ATTORNEY-GENERAL:** That point is covered by the fact that in the Rule-making Section there is provision for the making of rules dealing with liability to costs, and that is the natural place to deal with it. The rules will naturally provide that the costs should follow or be under the control of the judge.

**Mr. GOOD:** I understand, then, that the Rule-making Authority will deal with this matter?

**ATTORNEY-GENERAL:** Yes, and the Rules will be laid on the Table of the Dáil.

**Mr. GOOD:** And incorporated in the Act?

**AN CEANN COMHAIRLE:** No; the Rules will be laid on the Table, and may be discussed in the Dáil if Deputies want to raise any points on them.

Amendment, by leave, withdrawn.

**Mr. DUGGAN:** I move:

In line 6, to delete the word "assistance" and insert in lieu thereof the words "concurrence of a majority."

The object of the amendment is to make the wording of this Section identical with that of the corresponding Section dealing with the Rule-making Authority of the High Court, that is Section 36.

**Captain REDMOND:** I am very glad, indeed, that this amendment has been proposed, because in the Section, as it stood, the Minister for Home Affairs would really be the ultimate and final authority for making Rules for Circuit Courts. The proposed amendment

brings the Rule-making Authority for the Circuit Court into line, more or less, with the Rule-making Authority for the High Court, but at the same time I must make this observation in regard to this Rule-making Authority, that in this respect the framers of this Bill have not thought fit to go on the lines laid down by the Judiciary Report. The Judiciary Report on the subject of the Rule-making Authority for the Circuit Courts reads as follows:—

"The Rule-making Authority for the Circuit Courts shall consist of—  
(a) Five members of their own body selected by the Bench of Circuit Judges; (b) two practising Barristers nominated by the Bar Council; and (c) two Solicitors nominated by the Council of the Incorporated Law Society."

But the Judiciary Committee never suggested that the Minister for Home Affairs should find a place there at all, and I must really protest in this regard, because in no previous Judicature Act that I am aware of has the Minister for Home Affairs, or one in a similar position to that which he now occupies in the Free State, had anything to do with the framing of the Rules for the various Courts. I think, that in this respect certainly, if not in all others, the Government would have been well advised to have followed the Report of the Judiciary Committee; in fact, I would very much like to know why in this particular instance they have thought fit to depart from the proposal laid down by the Judiciary Committee. I would venture to suggest, even at this late hour, though I have not put down an amendment to that effect, that they might re-consider their decision in this regard, and on the Report Stage delete from the Rule-making Authority, whether for High Court, County Court, or District Court, the Minister for Home Affairs.

**ATTORNEY-GENERAL:** I am afraid Deputy Redmond is hardly correct in saying that no similar Executive authority has been associated with the making of Court rules. In point of fact, all the judicature rules in this country up to this have been made by

[Attorney-General.]

the Lord Lieutenant, who was the concentrated essence of Executive authority prior to the Treaty. Under the Judicature Act and in England, the rules are made in the name of the King and signed by the Secretary for Home Affairs. The reason is that under these rules vitally important matters will be dealt with, and they must be laid on the Table of the House, and there must be some person responsible to the House for them.

**Captain REDMOND:** May I suggest that there should be some person responsible for the rules, who should not be the Minister for Home Affairs, but the Attorney-General, and, further, may I say in reference to this matter, that it is not of those under whose names the rules are made that I am complaining. The complaint I make is that they are made by the Minister for Home Affairs. Surely the Attorney-General does not expect me or anybody at this stage of the twentieth century to believe that the King or his representative, the Lord Lieutenant, in days gone by actually made rules. We have not yet reached that stage of childishness. If that was done in the past in the name of the Lord Lieutenant, why should it not be done now in the name of the present Lord Lieutenant, the Governor-General?

Amendment agreed to.

**PADRAIC O MAILLE:** Tá leas-rún annseo agam le chur os comhair na Dála. Tá eagla orm nach bhfuil sé díreach in ordú, ach mar sin féin ba mhaith liom comhairle na Dála d'fhágáil air. Saoilim go mba ceart colas ar teagain na Gaeilge a bheith ag na daoine a bheidh ag ceapadh na Rialacha.

Má cuirtear ar an gCoisde seo daoine ag a bhfuil an Ghaeilge, tabharfar ceart agus cothrom do'n teagain. Ba cheart sin a dhéanamh.

I have an amendment which, with your permission, I wish to propose. I regret that it is not on the Order Paper but I think it is a very necessary amendment. I notice that on the Committee of gentlemen who are to compose the rule-making authority there is no mention of the Irish language. I think

it should be absolutely necessary that there should be on that authority some gentlemen who would know Irish, so that nothing prejudicial to the Irish language could happen in Court. The amendment that I desire to propose is this:—

“To insert after the word ‘Judges,’ in line seven, the following words, ‘of whom two at least shall know Irish,’ and to insert after the word ‘Barristers,’ in line eight and after the word ‘Solicitors,’ in line 9, the following: ‘Of whom one at least shall know Irish.’”

I hope the Attorney-General will accept this amendment.

**AN CEANN COMHAIRLE:** Before accepting the amendment formally at this stage, I would like to hear the Attorney-General and see whether the matter cannot be taken up at the next stage, after it has appeared on the Order Paper.

**ATTORNEY-GENERAL:** This is a matter which deserves every consideration. Under Section 67 the Rules rather provide for the use of the National language, and of course under the Constitution the National language has an assured position of equality with the other language, whether in Court or elsewhere. It will be important that the rule-making authority personally should be of such a kind that full effect to that Constitutional position would be given. The most I will say at this present moment is that the Government will consider the best means of reaching that end which we certainly desire.

**PADRAIC O MAILLE:** Táim sásta leis an geallamhaint sin, agus, ar a shon sin, nilim cun an leas 5 o'clock. rún a chur os bhur g-comhair anois.

I am satisfied with the answer given by the Attorney-General, and on the strength of his promises I beg leave to withdraw the amendment.

Amendment not moved.

Question: “That Section 66, as amended, stand part of the Bill,” put and agreed to.

## SECTION 67.

The Rule-making Authority for

the Circuit Court may at any time and from time to time after the passing and before or after the commencement of this Act make rules to be styled "Rules of the Circuit Court" for carrying into effect this Part of this Act (except the hearing of appeals from the Circuit Court but including the hearing of appeals from the District Court) and may annul or alter such rules and make new rules. In particular rules may be made for all or any of the following matters.

**Mr. DUGGAN:** I beg to move:

"In line 29, immediately after the word 'therein' to insert the words 'and the fixing and collection of fees.'"

This amendment is identical with the amendment already adopted by the Dáil in the corresponding Section of the Bill dealing with the Rule-making Authority of the High Courts.

Amendment agreed to.

Question: "That Section 67, as amended, stand part of the Bill," put and agreed to.

Question: "That Section 68 stand part of the Bill," put and agreed to.

### SECTION 69.

A District Court of Justice in Saorstát Éireann shall be constituted under this Act consisting of such Justices as shall be appointed as hereinafter mentioned.

**Professor MAGENNIS:** I move to delete in the second line the word "Justices," and to substitute therefor the word "Justice."

This is merely the correction of a misprint. The Clause says that a District Court of Justice shall be constituted, and of course one District Justice constitutes a Court.

**ATTORNEY-GENERAL:** I am afraid the learned Deputy has missed the point. Each of these Courts is called a Court of Justice, and it is hoped that it will be a Court of Justice whether several functionaries or one dispenses justice. As a matter of fact this description of the Court is an important power, and involves an

improvement of the existing law. The strictly local jurisdiction of the existing Petty Sessions District of the old removable magistrate led to great inconvenience, and it is now intended that there should be eight District Courts of Justice for the whole country, every Justice officiating for a different place, so that the decrees and judgments of a Court of Justice may run through the country, and one would not have to proceed separately if a delinquent moved to a different district. There will be one Court and not a series of Courts, and the word is deliberately chosen.

**Professor MAGENNIS:** I was quite aware from the Judicial Committee's report that that reform was intended, but the provision to carry it out was not quite clear. So my amendment has served the useful purpose of having a declaration made officially that the Bill contemplates the same desirable reform.

**AN CEANN COMHAIRLE:** The amendment is withdrawn.

**Professor MAGENNIS:** I am withdrawing the amendment.

Amendment, by leave, withdrawn.

Motion made and question put: "That Section 69 stand part of the Bill," Agreed.

### SECTION 70.

When and so soon as the Minister for Home Affairs has divided Saorstát Éireann into suitable Districts there shall be appointed so many Justices of the District Court as may be necessary, at such salaries as the Minister for Home Affairs with the concurrence of the Minister for Finance may fix. Provided that the number of such Justices at any time shall not exceed thirty.

**Mr. DUGGAN:** I beg to move:

"In lines 44 and 45, to delete the words 'the Minister for Home Affairs with the concurrence of' and in line 45 to delete the word 'fix' and insert in lieu thereof the word 'determine.'"

The effect of the amendment is that the Minister for Finance shall have

[Mr. Duggan.]  
exclusive control of the amounts of the salaries of the Justices.

**Mr. JOHNSON:** I would like to ask on this point whether if the amendment passes the position would be that each Justice is to be considered separately, or is it to be a case of appointing one Justice at one salary and another Justice at another salary? There is no suggestion here of a scale of salaries, and, before going on with the discussion, I would like to hear from the Minister in charge whether the clause as amended, or the clause as it stands, would leave the fixing of the salaries or the determining of the salaries to the Minister for the time being. It seems to me that unless there is a specific regulation made in the Bill that there shall be a scale of salaries fixed, there may be a discrimination between one Judge and another Judge, and that is undesirable.

**Professor MAGENNIS:** When amendments were previously put forward that ran counter to the recommendation of the Committee, the audacious proposal was crushed with the retort that this eminent Committee had advised otherwise than the amendment proposed. And now here, in a very important particular, the unanimous recommendations of these eminent members of the Committee have been set aside. In page 13 of the Committee's report the recommendation reads, "The District Justice shall be paid a salary of £1,000 yearly, increasing by annual increments to £1,200." Now there is a very important principle involved here. Apart altogether from the possibilities which suggested themselves to Deputy Johnson, that one District Justice might have a different remuneration to another, there is this to be considered—that under the Constitution, District Justices are just as much Judges as Judges of the High Court. I may as well document my statement by quoting Article 64, "The Judicial power of the Irish Free State shall be exercised and justice administered in the public Courts established by the Oireachtas by Judges appointed in manner hereinafter provided. These Courts shall

comprise Courts of First Instance and a Court of Final Appeal to be called the Supreme Court." . . . and then it goes on "and also Courts of local and limited jurisdiction . . ."

These are the Courts of local and most limited jurisdiction. According to that Article of the Constitution they are Judges. Now, Article 67 declares: "The number of Judges, the constitution, organisation of and distribution of business and jurisdiction among the said Courts and Judges, and all matters of procedure shall be as prescribed by the laws for the time being in force, and regulations made thereunder." The present Bill is the machinery for the carrying out of Article 67. In Article 68 the concluding passage runs: "The terms of appointment of Judges of such other Courts as may be created, shall be prescribed by law." That ought to include the remuneration, and, most important of all, Article 69 declares— and this is what has made me interrupt the harmony of the proceedings—"All Judges shall be independent in the exercise of their functions and subject only to the Constitution and the law."

If a Judge owes his appointment to a bureau, it might seem to the bureaucratic mind that it would follow as a natural and logical consequence that the bureaucrats could interfere with the administration of justice. I think it is most imperative, even if it were only as a matter of policy, that now that we are setting up courts of law, we should set them up under such conditions as would secure the uttermost independence of the Judge and his complete freedom from interference. Now, we do not require to be told the elementary fact of psychology that nothing gives so much independence to the character of a man as the knowledge that so long as he discharges his duties efficiently he has an adequate salary. These men who were appointed to this office should know from the beginning that they are not of the inferior rank of the servants of the Ministry, but that they are Judges, no doubt minor to the higher Judges, but at the same time placed in a status different altogether from that of mere civil servants or of anyone who is like a Cen-



turion's servant. No one should be able to say to the Judge, even though he has a local or a limited jurisdiction, that he can go or come with the assurance that when the master says come he comes, and that when the master says go he goes.

I do not want to introduce anything that might seem irrelevant to the matter, but we do know that there was in the case of the Removable Magistrate in the past continual interference with the administration of justice from the Castle. Now, Castle Government has gone. Let us make sure that it has gone with a vengeance and that it cannot return under any other name. I would press the Minister strongly—as strongly as I am capable of pressing him—not to depart from the recommendation of the Committee in this respect. Let us fix the salaries here just as for the other Judges, by law directly, and not through the indirect intervention of the Minister.

**Mr. O'CONNELL:** I would like to support as strongly as possible the suggestion made by Deputy Magennis. It is a well-accepted principle that Judges should be absolutely independent and feel that they are independent of the Government or of the Ministry for the time being. The District Court will be the poor man's court. Very many cases that will crop up in ordinary everyday life will be decided there. It is no less important that the poor man's Judge should be made as independent as the High Court Judges by having their rates of salary put into the Bill and so made independent of the Ministry. Otherwise we might find that a Minister for Finance, in times of pressure, might think it advisable to say: "Take off 10 per cent. all round from the District Justices." That might lead to a state of affairs which we, who are prescribing the conditions under which justice should be administered, would not wish to see in the country. I strongly support Deputy Magennis's suggestion.

**Mr. O'MAHONY:** It will be remembered that in the debate on a previous portion of this Bill strong exception was taken to any interference on the part of a Minister with reference to the appointment of Judges of the High

Court and Circuit Courts. So keen were Deputies in that respect that even in the matter of dress it was felt that the Minister ought to have nothing to say to it. One fails to understand why it is that District Justices should be treated with respect to salary in a different manner to that proposed for other Judges. In their case the salary is fixed at a definite figure and it is stated in the Bill. The public knows what it is going to pay for the administration of justice in connection with the two previous portions of the Bill. Is it not equally necessary and equally desirable that the salaries of the District Justices should also be fixed? As Deputy Johnson pointed out, it would be absolutely unfair if it were within the province of a Minister to fix different salaries for the District Justices operating in different portions of the country. If such a contingency arose I would recommend the Judges to form a Labour Union and insist on a flat salary.

**Captain REDMOND:** They have one already, but it is no use.

**Mr. O'MAHONY:** I think the Government ought to reconsider this Section of the Bill and treat these Justices in the very same way as the other Judges are treated with respect to salary; that is, have the salary definitely fixed. I can understand, if there is a differentiation to be made, that in so far as the present holders of offices are concerned, their salary might differ from that given to others who will be appointed, for this reason: they came into office at a time of trial and trouble, and they gave their services to the country when there was grave risk in doing so. If there is any differentiation to be made as regards salary, it should be made in their favour. Whether it is made in their favour or not it is incumbent on the Government to state specifically what salaries they are going to pay to those Justices.

**ATTORNEY-GENERAL:** It is the intention, and always has been the intention, that the District Justices should have their positions very distinctly marked in independence from that of their predecessors, the Resident Magistrates. It is believed that they have been established in a position of inde-

[Attorney-General.]  
pendence in which they can dispense justice. As regards salary, they are protected by the Constitution from any reduction, once they have been appointed at a particular named sum, so that in so far as any attack might be made on their independence in the manner indicated by Deputy O'Connell, that is rendered impossible by Article 68 of the Constitution.

Having regard, however, to the expressions of opinion that I have heard, I will put the matter before the Minister for Finance between this and the next stage, and see whether he will be prepared to agree to any modification of this provision.

**AN CEANN COMHAIRLE:** What does the Attorney-General propose with regard to that particular amendment to Section 70? Does he propose to withdraw it for the moment?

**ATTORNEY-GENERAL:** Yes.

**Mr. DARRELL FIGGIS:** I am glad the Attorney-General has taken the line he has taken. I could wish he had gone further, and had accepted the amendment. I think the point made by Deputy Magennis is one of very considerable importance, and in that connection the words used by the Attorney-General himself are not without their meaning, because he stated that the Constitution gave protection against a reduction, and then the words he used in the speech he has just made were: "Once they have been appointed at a particular named sum," and it is with a view to getting that sum, both particular and named, that the argument has been made to it, and I suggest, though the Attorney-General may perhaps be reluctant to state it, that he will urge the acceptance of this amendment.

**AN CEANN COMHAIRLE:** This is amendment 2, and should be to Section 70.

**Mr. DARRELL FIGGIS:** I realise that.

**AN CEANN COMHAIRLE:** Am I to take it that leave is given to withdraw amendment 2? It is printed under Section 69, but it should be to Section 70.

**Captain REDMOND:** I am not alto-

gether satisfied with the reply given by the Attorney-General. I know perfectly well, because I have had previous experience, that when matters like this are re-considered, and when a pledge has been given to re-consider them, that that does not amount at all to a committal on the part of the Government. I could not expect them to admit that, and that being so, I think that this being a very serious question, a serious constitutional question raised by my friend, Deputy Magennis, that we should get a specific reply, namely, not as to the amount of the salaries, but whether the salaries will be fixed and not left to the discretion of the Minister for Finance or any other Minister. It is a serious constitutional question, because the fixing of these salaries, no matter what the sums involved are, according to the spirit of the Constitution at any rate, should not lie from time to time in the hands of the Executive. The salaries should be fixed by the Dáil, and should be fixed by this Bill, and having been fixed, should thereby render the recipients of these salaries absolutely independent of any future action on the part of any future Executive. That being so, I think we are entitled to a little more than the promise which has been graciously given by the Attorney-General, that he will urge, or that he will ask, or that he will appeal, to the Minister for Finance to re-consider this matter. I say it is not a matter for the Minister for Finance at all; it is a matter for this Dáil in carrying out the Constitution of this Free State. I say, therefore, that it is imperative upon us, as the custodians of this State, to insist here and now, if we can, that this principle should be properly carried out, and that a salary should be fixed, and fixed by us in this Bill, and not by the present or any future Minister for Finance, or any other Minister. That being so, I trust that in some way or another the members of this Dáil who are in favour of carrying out the Constitution in this respect should get an opportunity of recording their votes.

**Mr. JOHNSON:** I want to support the view taken by Deputy Magennis and Deputy Redmond. I am not satisfied that the promise of the Attorney-

General was a promise that anything would be done, except to consult. That is not very satisfactory. I want to emphasise the Section of the Constitution read by Deputy Magennis, and to put it to the Attorney-General that he has no option, and, as a matter of fact, that unless he is prepared to name the figure, that he ought to Report Progress until an amendment in the name of the Government is brought forward. Article 68 of the Constitution says: "The age of retirement and the remuneration of such Judges shall be prescribed by law." Now, I do not think that is capable of any other interpretation than this, that the sum to be paid has to be set out in an Act of the Oireachtas. It will not satisfy that Article of the Constitution to say that the sum to be determined by the Minister for Finance is to be the remuneration prescribed by law.

I do not think that will be contended by anyone. It seems to me that the Minister in charge of the Bill, or the Attorney-General, is bound under the Articles of the Constitution, to state in the Bill what the remuneration shall be. Deputy O'Connell's amendment, which is to follow, was the only form in which it would be possible for a non-Minister member of the Dáil to bring forward any proposition of this kind, and we consider that the needs of the case require that the salaries shall be fixed and stated in the Bill itself—it is not within the option of a private member to state any such salary. Therefore, the amendment in the form in which Deputy O'Connell has sent it in was the only form in which it could be moved by a private member. I press upon the Minister the necessity for a definite promise now that the sum shall be set out in the Bill, or else that the whole matter be deferred and Progress reported so that no division on this matter may be taken.

**Mr. P. WARD:** I desire to press upon the Ministry the necessity of making some amendment with regard to this Section, and to adopt, if possible, the views of the Dáil as expressed by the various Deputies who have spoken. We are dealing, here,

with a body of men to whom we are allotting about 75 per cent. of the work at present done by the County Court Judges. We are dealing with men who will be holding Courts on an average of 20 per month, through various portions of the country, and men who will be very much more in local touch with the people, the Bar, and the solicitors, than will be the Judges of the High Courts and the Circuit Courts. I think it is a necessity that these men should be put in a position where they would be absolutely independent, and free from any charge, at any time, that they could be corrupted. They should be put in an independent pecuniary position where no such charge could be levelled against them.

I fail to see why discrimination should be used with regard to this particular branch. You have fixed the salaries of the High Court Judges and the Circuit Court Judges and you have made them permanent. I consider that these District Justices, appointed under this portion of the Bill, will be taking up as important a work as the Circuit Court Judges. Now there is a particular point of view that ought to be impressed upon the Ministry. Nearly 30 men have already been appointed to these positions at salaries of £1,000 a year plus travelling expenses. I am well aware they are only appointed temporarily without any guarantee from the Government that they would be permanent. The District Justices will be made permanent under this Bill. Now, everyone is aware that the services of these men were enlisted at a time of great trial when things were very difficult in the country. They have given up their practice and they undertook this work under promise of a certain remuneration. I think it is due to these men, from the Government, that the Government should here state what they are going to do with them. I do not think it is quite fair to appoint them and make them permanent under the Bill and give the power afterwards to any Minister in the Government to fix salaries that may be low or high, without giving any power to the Dáil to adjudicate upon that salary. I press upon the Government the necessity for the reconsideration of this matter.

**Mr. DARRELL FIGGIS:** I had asked if it would be possible to move an amendment in a certain form that might embody this, and you, Chinn Comhairle, indicated very rightly that it was not in the power of any private member to move an amendment in the form I suggested, and that if such an amendment were to come up for discussion it should come from the Ministerial benches under the provisions of the Constitution. I, therefore, now urge that in this particular section we are discussing, that all the words after the word "necessary" and before the word "provided" in Section 70, namely, "at such salaries as the Minister for Home Affairs with the concurrence of the Minister for Finance may fix," be omitted, and that the amendment moved by Deputy Duggan and grafted upon Section 42 be inserted instead. These words to run, "each District Justice shall receive a salary of £1,000 per annum and be retired after 15 years or upwards, or owing to age or permanent infirmity and shall be entitled for life to a pension of two-thirds of his salary." In other words, provision elsewhere made applicable in the Bill to other Judges shall be made applicable to District Justices and they shall be put upon a parity with them and a parity which, as Deputy Magennis has shown, the District Justice is entitled to claim under the Constitution. I do suggest the moving of an amendment of that kind from the Government benches. I think it is a matter of very great importance and a matter of fundamental principle, and I urge that some amendment on these lines be definitely promised for the Report stage by the Executive Council, which is the party under the Constitution responsible for the recommending of expenditure.

If that promise cannot be elicited now, I urge that it would be desirable that the matter now having been raised should be put to the vote. Exactly how it can come to the vote is rather a difficult matter to decide, because there is no definite amendment upon which it can be raised, unless it is raised for and against the actual Section itself. But it is perfectly clear that the sense of the Dáil is that these

District Justices should be put on the same foundation as the other Judges, and that words that have been chosen to apply to other Judges should be made to apply to these Justices. As I have said, it is pretty clear that not only is it right, but it is constitutionally required.

**Professor THRIFT:** I rise to support this view, and particularly to draw the Attorney-General's attention to the fact that it seems to me that the safeguard that he has referred to is not conferred by the Constitution upon these Justices. He quoted Article 68 of the Constitution, stating that that held that such remuneration may not be terminated during their continuance in office, and held apparently that that applied to all Judges. I think, if he studies the previous sentence and the rest of that Article, he will see that the sentence he has quoted only refers to the Judges of the Courts that have been named—the Supreme Court and the High Court—and, therefore, that safeguard is not included in the Constitution. It is quite a different question as to whether the next sentence, which says that the terms of appointment of all other Judges should be prescribed by law, does not insist upon the salaries of all Judges being fixed. That is quite a different question to the point to which the Attorney-General drew attention. I do not think that the safeguard that he mentions is in the Constitution, but it does seem to me that "terms of appointment" is an inclusive term which would include salary as well as duties, and that, therefore, the last sentence of that Section of the Constitution would require what is now being urged from various quarters of the Dáil.

**ATTORNEY-GENERAL:** On the general matter, upon which so many opinions have been expressed, I can only say that I am not in a position here to give the undertaking that the salaries will be prescribed in the Bill. I do not know if the Minister for Finance and the Minister for Home Affairs have yet agreed upon the scale of salaries for the permanent appointments to District Justices. There are, of course, other ways of prescribing salaries than in the Bill. It might be done

by scales which would, perhaps, be laid on the Table of the Dáil, and be subject to alteration from time to time, and so on. I can only say that I will make representation to the Minister for Finance of the opinions that I have heard here this evening, and that I will bring the matter up in some form upon the next Stage of the Bill. I am not in a position to do any more at present, and I have not been able to get in touch with the Minister.

**Captain REDMOND:** As the Attorney-General has said that he is not in a position to deal with the state of affairs created by the discussion of this Section, I think it is only right that we should adjourn any further consideration of the Committee Stage of the Bill. I, for one, will not assent to the passage of this Section, with only an undertaking, limited, as the Attorney-General has confessed, and very candidly confessed it must be limited, to an undertaking on his part that he will make representations to the Minister. I think that that is entirely insufficient, and I would therefore propose, before this Section 70 is passed, which an endeavour has been made to show may be in contravention of our Constitution, the Committee should adjourn to give the Attorney-General and the Ministry time to consider their position, and the position of this Section in regard to the Constitution. I think Deputy Thrift has shown perfectly clearly that this Article 68 expressly provides that in the creation of Judges for Courts, other than the Supreme Court and High Court, the terms of the appointment of the Judges shall be prescribed by law, and there is no doubt that within those terms must come the salary or the remuneration to be given to those Judges. I do not know whether I shall have a seconder, but I propose to move to report progress, in order to give the Attorney-General time.

**ATTORNEY-GENERAL:** Before the motion is put, perhaps a suggestion that might keep the discussion open while proceeding with other matters would be this: to delete all so much of the Section after the word "necessary," in line 44, to the end of the word

"fix." That will keep the matter open, and it will be raised at a later stage.

**AN CEANN COMHAIRLE:** That would mean that the question of salary would be left over, and the Government would be obliged to introduce some provision with regard to the salary which could then be discussed.

**Captain REDMOND:** Is that an undertaking?

**ATTORNEY-GENERAL:** Surely it is. It is perfectly obvious that we cannot appoint Justices without salaries. At least we are not going back to the unpaid Justices position, and if these words are omitted it becomes an obligation on the Government to introduce some provision providing for remuneration of some kind before this Bill can go through.

**Mr. CONNOR HOGAN:** Would the Attorney-General give that consideration on the Report Stage?

**AN CEANN COMHAIRLE:** The position, as the Attorney-General has explained, is: if the words which are now proposed to be deleted were deleted, the Section would read:—

When and so soon as the Minister for Home Affairs has divided Saorstát Éireann into suitable districts, there shall be appointed so many justices of the District Court as may be necessary. Provided that the number of such Justices at any time shall not exceed thirty.

That leaves the Government in the position of having provision for Justices and no provision for salary. The Government might possibly find a method, even in the Committee Stage, of introducing the question of salary, or they would be obliged to bring it up not later than the Report Stage. On the Report Stage there is a provision in the Standing Orders which says that if a matter is deemed by the Chair to be of sufficient importance, the particular Section to which the amendment applies may be re-committed for the consideration of the amendment, so that there may, even in Committee, be an opportunity for the consideration of this matter again, if it is brought

[An Ceann Comhairle.]  
up on the Report Stage. I think that would dispose of it. The position is this: The amendment, No. 2 on the Paper—in lines 44 and 45, to delete certain words—is withdrawn.

Amendment, by leave, withdrawn.

**Mr. DUGGAN:** I beg to move:

That the words from the word necessary," in line 44, to the end of the word "fix," in line 45, be deleted.

**AN CEANN COMHAIRLE:** The proposal is to delete the words in lines 44 and 45 "at such salaries as the Minister for Home Affairs, with the concurrence of the Minister for Finance, may fix."

Amendment put and agreed to.

**AN CEANN COMHAIRLE:** That would dispose of amendment No. 3 as well.

**Mr. O'CONNELL:** I would like to draw the Attorney-General's attention to one point in amendment No. 3. There is nothing in the Bill showing where the money is coming from. My point is that some words should be inserted stating that the remuneration should be paid out of monies provided by the Oireachtas or from the Central Fund. It is only a matter of form, but it should be clearly known where the money is coming from. In view of the fact, however, that this matter is going to come up again, I think that would be the best time to raise it.

**AN CEANN COMHAIRLE:** When the whole question of salaries is raised.

**Major BRYAN COOPER:** I suggest that the course suggested by Deputy O'Connell is open to one objection. It would put the District Justices on the Estimates, and that would give an opportunity to a Deputy to bring up here, which is not a court of law, the actions of a particular District Justice. I think it would be very undesirable. I think if it was stated that the salaries were to be paid out of the Central Fund it would meet Deputy O'Connell's views and avoid certain difficulties.

**Mr. O'CONNELL:** That would be the preferable course.

Amendment not moved.

**Prof. MAGENNIS:** The amendment on the Paper in my name reads:

In line 45, to insert after the word "fix" the words "provided that in the case of all District Judges already appointed and acting under the provisions of the "District Justices (Temporary Provisions) Act who are continued in office or re-appointed under this Act the remuneration by way of salary and allowance hitherto payable shall continue to be the remuneration of such Justices."

All the arguments I had to advance have been put before the Dáil by Deputy O'Mahony and Deputy Cooper, so that the amendment can go with the other one.

Amendment not moved.

**Mr. DUGGAN:** I move, in line 47, to delete the word "thirty," and to insert in lieu thereof the words "thirty-three." The intention was that there should be thirty District Justices outside Dublin. When the figure thirty was fixed upon the fact was overlooked that the three Divisional Magistrates for the City of Dublin become District Justices, so that the total number should be thirty-three.

Amendment put and agreed to.

Question "That Section 70, as amended, stand part of the Bill," put and agreed to.

Section 71 put and agreed to.

## SECTION 72.

**Professor MAGENNIS:** The amendment standing in my name—"In line 54 to delete the word "declaration," and to substitute therefor the word "oath" has already been disposed of.

Amendment not moved.

Question "That Section 72 stand part of the Bill," put and agreed to.

## SECTION 73.

The office of any Justice of the District Court may be vacated by writing under his hand and shall be vacated on his being appointed a Judge of the Circuit Court, and thereupon or whenever the office of any Justice shall become vacant a

new Justice shall be appointed in his place. In case of the illness of any Justice a deputy may be appointed to act in his place on the recommendation of the Attorney-General on such terms as to payment of the deputy out of the salary of the Justice or otherwise as may be provided by the Rules to be made under this Part of this Act. Provided however that no one other than a practising barrister or solicitor of six years' standing at least shall be qualified for appointment as deputy of a Justice.

**Mr. DUGGAN:** I move: "In line 5 to delete the word 'shall' and to insert in lieu thereof the word 'may,' When the Bill was drafted it was made mandatory to fill any vacancy that might arise. It would therefore be impossible to reduce the number of Justices if it was found that a lesser number could deal with the work.

Amendment put and agreed to.

**AN LEAS-CHEANN COMHAIRLE** took the Chair at this stage.

**Captain REDMOND:** I move: "In line 8 to delete from the word 'out' to the word 'otherwise' inclusive." That amendment, in effect, means that in case of the illness of any Justice a deputy may be appointed in his place, and the deputy so appointed should not necessarily be paid out of the salary of the Justice. I think this point was raised on a previous occasion in regard to Judges of the Circuit and High Court. Certainly, in the case of a Justice who becomes ill through no fault of his own, I think it would be generally recognised to be an extreme hardship on him if he had to pay a deputy out of his salary. If necessary he could obtain a medical certificate of his illness, and though it is suggested that that would be an indignity to the High or Circuit Court Judges, I think that perhaps the Justices would suffer that indignity sooner than be asked to pay the deputy out of their own pockets. I think it is a most reasonable proposal, and I hope it will receive consideration and support from the Government.

**ATTORNEY-GENERAL:** I think a similar question arose in connection with the Circuit Courts, and my recollection is that the Minister agreed to consider it. I think a similar undertaking could be given now. This is in a somewhat different position, because the cases where the deductions from salaries are to be made are to be provided by Rules of Court. These Rules of Court will be laid on the Table and will be under the control of the Dáil. Therefore, the matter will be considered with the corresponding matter in connection with the Circuit Courts.

Amendment, by leave, withdrawn.

Question: "That Section 73 as amended stand part of the Bill," put and agreed to.

#### SECTION 74.

The age of retirement of Justices of the District Court shall be 65 years.

**Professor MAGENNIS:** I move: "In line 14 to delete the figures '65' and to substitute therefor the figures '70.'" The age of retirement recommended by the all-wise Judiciary Committee was 70 years. "It is recommended that a District or assistant District Justice or Dublin Metropolitan Justice in future shall hold office until the age of 70 years." I need not say anything further than that the Judiciary Committee which knows everything and is impeccable and infallible has recommended it.

**Captain REDMOND:** It is not omnipotent.

**ATTORNEY - GENERAL :** The amendment in that form could hardly be accepted. In the case of the Divisional Magistrates in Dublin the position is somewhat different. It is well known that people who lead sedentary lives like the Judges in Dublin preserve their faculties and the capacity to exercise their functions to a very late period, but it is the experience and the opinion that persons whose work involves a great deal of travelling, as in the case of the District Justices, cannot be expected to preserve their alertness or their ability to travel and to dispense justice to advantage. If

[Attorney-General.]

the age of 70 is observed for the Dublin District Justices there will be always a possibility of promotion for a Country Justice. If an amendment is inserted on the Report Stage, giving an extension to the age of 70, as is now the case with the Dublin Justices, we could then deal with it.

**Mr. JOHNSON:** I am surprised that the Attorney-General did not bring the Minister for Finance into this. I would imagine that his influence in this matter would be with the amendment. There would be at least a postponement of the retirement and, therefore, of the pension by an acceptance of the amendment, and I would have thought that that would have been playing to the bat of the Minister for Finance. I am amused at the justification produced by the Attorney-General for fixing the age at 65. I have been learning how sedentary judges have been compelled to take the exercise, or something equivalent, which the District Justices will be required to take around the golf links. They are told that they must take exercise to keep their health. The District Justices will take that exercise, and that seems to be an added argument for raising the age to 70. The District Justices will be entitled to retire if they are physically or mentally infirm even before the age of 70, and, if it seems to the Attorney-General and the Chief Justice and other authorities, that a District Justice, having reached the age of 65, is mentally or physically infirm, I have no doubt it will be possible to bring medical influence to bear upon him to ensure his retirement. It seems undesirable to compel him to retire at 65 if he is fit to carry on until 70. Surely it is not contended that less mental capacity is required in the case of High Court Judges and of Circuit Court Judges, and I fail to understand why a District Justice should be called on to retire at 65 when Judges of the High Courts may remain in office until 70. I would urge the Attorney-General and the Ministry to accept this amendment, and I think I may venture to speak on behalf of the Minister for Finance on this matter. It certainly will save the Exchequer something.

**ATTORNEY - GENERAL:** I am afraid that the amendment cannot be accepted, and that the furthest we can go is on the lines I have indicated. Deputy Johnson, in referring to the exploits of persons of mature years on the golf links, does not bear in mind that on the golf links the Judge is not compelled to put up at a country hotel at every hole before moving on to the next, and has not to drive long distances in all sorts of weathers. Having regard to all the conditions of the life of the District Justice, the Government is satisfied that it should not fix a longer limit than 65 for those doing work in the country. The amendment is offered with a view to extending the time of retirement of a District Justice to 70. I do not agree with the suggestion of Deputy Johnson that the duty should be thrown on any individual or on the Government to call upon an individual Justice to retire. I am afraid the limit I have indicated is the furthest we can go.

**Professor MAGENNIS:** Many years ago a friend of mine applied for a Government appointment in Blantyre in Central Africa, and he inquired from the Foreign Office what was the age of retirement and the amount of superannuation. The official reply was that none of his predecessors had ever raised the question. There were two predecessors—one shot by a native and the other devoured by a tiger. According to the Attorney-General, the hard life to which these gentlemen will be subject going round country hotels will secure that the retirement at 65 will be an artificial limit, as long before they have reached that age they will have retired to a better superannuation. I hope the Attorney-General will remember his own argument when impressing on the Minister for Finance the importance of this question of proper remuneration.

**Major BRYAN COOPER:** I do not think that the Attorney-General has any experience of the life of a District Justice. I have known many Resident Magistrates in the old days whose duties were somewhat similar to those of the District Justices and many of them were well over 70 but were active



and efficient, although in those days motor-cars were not used for the purposes of their work. It should be remembered that the District Justice does not go round on a bicycle. He will presumably put his first year's travelling allowance into a Ford car, and if he lives at a convenient place he will be able to do his work and keep in touch with his home. There will be no court more than 30 miles away from his residence. I think that this principle of compulsory retirement is wrong. If a man is able and willing to go on with his work why put him on the pension list? There is plenty of work for three District Justices in Dublin, and what about Cork and Limerick, where most of the work will be done inside the town? It is a mistake to lay down a hide-bound age for retirement, as you may get rid of a good man whom you want to keep on, while it will weigh down the pension list.

**Mr. GOREY:** I appeal to the Attorney-General and to the Minister for Finance on this question. In the next Section they provide for a specific age, and why remove a man if he is perfectly capable? If a District Justice wishes to continue, and if his physical capacity enables him to continue, why remove him? I do not think that any case has been made on behalf of this Section, and I hope, if the Government will not accept the amendment, it will be put to a division.

**Mr. O'MAHONY:** Surely it would be much more desirable in the interests of economy to extend the age. Deputy Johnson is concerned for the Minister for Finance. If the duties are so arduous, a year or two is likely to wipe out those District Justices. If you require him to retire early he is going to enjoy his pension for a longer time. I suggest if the Government are not prepared to fix an absolute age-limit of 65, that provisional arrangements such as those in Section 12 might be added to the Clause, that is, that on the advice of the Attorney-General the age of the retirement may be extended. I have heard no sufficiently convincing argument which changes the views I hold that the age of 65 is undoubtedly too early to retire, if you have the provi-

sion further down, as has been pointed out by Deputy Gorey, that if the Judge is not fit to fulfil his duties you should retire him. It is a great mistake to retire an efficient Judge at the age of 65. To my mind the fact that the Judge is living a healthy outdoor life will tend to extend his years. For that reason you will find that at sixty-five, District Justices will not be compelled to stay at country hotels. Ford cars are available now. Mentally and physically, the country Justice will be a much more efficient individual than the Judge who is living under city conditions. For that reason I think the suggestion to extend the age limit is a reasonable one and ought to be accepted by the Government.

**ATTORNEY-GENERAL:** I do not know whether the Deputy who has last spoken has any special prejudice on the matter. I would be prepared to undertake that the Government would consider an amendment on the lines of that suggested by Deputy Cooper, substituting 70 for 75.

**Major BRYAN COOPER:** I will not accept that. I take the President's view of a Committee, and I only accept their recommendations when I agree with them. I know a County Court Judge in England. He is 76 years of age, is doing a lot of travelling, and is still very vigorous.

**AN LEAS-CHEANN COMHAIRLE:** That discussion can arise on your amendment.

**Professor MAGENNIS:** I would be prepared to withdraw my amendment if it is the general wish of the Dáil.

**Mr. JOHNSON:** I would urge that this matter be pressed forward. I consider it is of importance that the view of the Dáil should be taken.

**Mr. GOREY:** I suggest that you deal with the matter now and put it to a division. The picture that the Attorney-General has drawn of the District Justices living in country hotels does not apply at all. The District Justice can work the whole county from his home if he lives in a suitable place. If he cannot do that he should not be ap-

[Mr. Gorey.]  
pointed a Justice at all, for he is a fool. The area to be travelled over is not very large when you employ 33 District Justices for 26 counties.

**Captain REDMOND:** Might I suggest, as Deputy Magennis has asked leave to withdraw amendment No. 9, which stands in his and my name, and as amendment No. 11 deals practically with the same subject, and as the Attorney-General has just stated that he is prepared to consider the matter, that it is advisable for us to consider amendment No. 11 now and let No. 9 be withdrawn?

**Mr. JOHNSON:** I think the important decision that should be taken is whether the normal age for retirement is to be 70 or 65. The proposition of the Government is to make the normal age for retirement 65, and it was suggested that they were prepared to consider the advisability to extend the age. I prefer to think that the normal age for retirement is 70, and they may consider the possibility of extending that age and also, as they do in the next section, the possibility of removing a Justice who is physically and mentally infirm. That may be done at 65 or 60, but I think the view of the Dáil should be taken and that it should not agree to a withdrawal of the amendment.

**Major BRYAN COOPER:** The only thing I wanted to point out was that my amendment covers different ground, and I cannot agree to the two amendments being disposed of together.

**Professor MAGENNIS:** What was the procedure with respect to the granting leave to the proposer of an amendment to withdraw it?

**AN LEAS-CHEANN COMHAIRLE:** You must have the leave of the Dáil.

**Professor MAGENNIS:** Is it by a majority? Can any one member, by refusal to agree, block the withdrawal?

**Mr. JOHNSON:** I submit that if that point of order is taken an amendment put to the Dáil is the property of the Dáil and must be voted upon in this Dáil by universal agreement if leave is asked to withdraw it.

**AN LEAS-CHEANN COMHAIRLE:** That is so. If there is not unanimous agreement it must be put to the Dáil and voted on.

**Mr. O'MAHONY:** Would it not be more advisable to have this brought up on the Report Stage? Let the Attorney-General consult with the Government and see how far they can go in the matter.

**Professor MAGENNIS:** I suggest, with all respect, to Deputy Johnson that a vote so taken will not express the sense of the Dáil on the point. Personally, I shall vote against the amendment, if put to a division, although it is in my name; for the reason that I do not desire to force it on the Dáil when it has been met in a reasonable spirit by the Attorney-General. It seems to me a far better course for the discharge of business would be to allow the question to come up again. Meanwhile, a better mind may have supervened in the case of those who have opposed it.

**Mr. JOHNSON:** I think the Attorney-General has not given any indication at all that he is prepared to consider making 70 the normal age of retirement. All he is proposing to do is to allow future Attornies-General to extend the age from 65 to 70, which is a very different thing, and it is the view of the Dáil that has now to be taken, not the view of the Attorney-General.

**Mr. GOREY:** In view of the Attorney-General's difficulty—I do not see many members of the Ministry sitting with him, or that he has an opportunity of consulting them—I think we ought to agree to Deputy O'Mahony's suggestion, which probably would have more real effect than a division now.

**Mr. O'CONNELL:** Would the Attorney-General be prepared to give consideration to the matter of extending the normal age to 70, in view of the fact that it is going to get consideration, or does he definitely state now that he will not consider that point?

**ATTORNEY-GENERAL:** We will consider that, but without undertaking any obligation in the matter.

**Mr. O'CONNELL:** What I meant was that I understood the Attorney-General to say earlier in the discussion that what he would consider was that 65 would remain the normal retiring age, but that he would consider the advisability of recommending in

certain cases that the age should be extended to 70. What I wish to ask is, in view of the fact that this is to be considered again, will the Attorney-General give a promise that he will consider the fixing of the normal age at 70? I am not asking him to give an undertaking that he will fix it at 70, but that he would consider the fixing of it at 70.

**ATTORNEY-GENERAL:** I will see that that is considered.

**Mr. JOHNSON:** I do not know whether this matter has been discussed, or whether he is prepared to consider it, in view of the full expression of opinion from the Dáil, but as I gather from the Attorney-General while he is prepared to give a verbal undertaking to consider it, his mind is made up, unless he has been impressed by the

discussion. He was very definite in the earlier stages that the Government is not prepared to recede from the position taken up in the draft of the Bill, and unless one gets some expression from the Attorney-General which would give us at least a hope and some expectation of a possibility of this figure being changed, I think it is necessary to have the opinion of the Dáil upon the matter.

**ATTORNEY-GENERAL:** I do not want to prevent the opinion of the Dáil being taken, but I do not wish to indicate any note of despair.

**Mr. GOREY:** I am very sorry at the attitude taken up by the Attorney-General. I think he is rather pig-headed, with all due respect to him, and his attempt at wit does not help either.

Amendment put.

The Dáil divided: Tá, 32; Níl, 47.

Pádraig F. Baxter.  
Richard H. Beamish.  
Scán Buítléir.  
John J. Cole.  
John Conlon.  
Bryan R. Cooper.  
Sir James Craig.  
Seamus Eabhróid.  
Seán de Faoite.  
Darrell Figgis.  
John Good.  
David Hall.  
Connor Hogan.  
Seamus Mac Cosgair.  
Tomás Mac Eoin.  
Risteárd Mac Fheorais.

Pádraig Mac Fhlannchadha.  
Risteárd Mac Liam.  
Patrick McKenna.  
Tomás de Nóglá.  
Tomás O Conaill.  
Aodh O Cúlacháin.  
Liam O Daimhin.  
Tadhg S. O Donnabháin.  
Seán O Duinnín.  
Donchadh S. O Guaire.  
Mícheál O hÍfearnáin.  
Domhnall O Muirgheasa.  
Tadhg P. O Murchadha.  
Pádraig O hOgáin (An Clár).  
Pádraig K. O hOgáin (Luimneach).  
William A. Redmond.

Níl.

Earnán Altún.  
Earnán de Blaghd.  
Seoirse de Bhulbh.  
Seamus de Burca.  
Henry Coyle.  
Louis J. Dalton.  
Maighréad ní Choileáin Bean Uí  
Dhrisceóil.  
Patrick J. Egan.  
Henry J. Finlay.  
John Hennigan.  
Peadar Mac a' Bháird.  
Seoirse Mac Brighde.  
Alasdair Mac Cába.  
Domhnall Mac Cárthaigh.  
Maolmhuire Mac Eochadha.  
Pádraig Mac Fadáin.  
Seán P. Mac Giobúin.  
Seán Mac Giolla 'n Ríogh.  
Seoirse Mac Niocaill.  
Liam Mac Sioghaid.  
Liam Mag Aonghusa.  
Seosamh Mag Craith.  
Pádraig S. Mag Ualghairg.

Martin M. Nally.  
John T. Nolan.  
Peadar O hAodha.  
Mícheál O hAonghusa.  
Ailfrid O Broin.  
Criostóir O Broin.  
Seán O Bruadair.  
Próinsias O Cathail.  
Aodh O Cinnéide.  
Conchubhair O Conghaile.  
Seamus O Cruadhlaoidh.  
Eoghan O Dochartaigh.  
Seamus N. O Dólaín.  
Pádraig O Dubhthaigh.  
Eamon S. O Dúgáin.  
Aindriú O Láimhin.  
Seamus O Leadáin.  
Fionán O Loingsigh.  
Thomas O'Mahony.  
Seamus O Murchadha.  
Pádraig O hOgáin (Gaillimh).  
Seán M. O Súilleabháin.  
Seán Priomdhail.  
Liam Thrift.

Amendment declared lost.

**Mr. DUGGAN:** I move:

In line 14, to add after the word "years" the words:—"Provided that in the case of a Justice of the District Court who shall have been a District Justice under the District Justices (Temporary Provisions) Act, 1923, and at the date of his appointment to the last-mentioned office was over 55 years of age and under 60 years of age, the Chief Justice may, if he thinks fit, extend the age of retirement of such Justice to such date as will enable him to complete a period of service sufficient to qualify him for a pension."

The object of that amendment is to make special provision for certain recently appointed District Justices who undertook the arduous, and at the time dangerous, duties of District Justices at a comparatively advanced age, to enable them to carry on for a sufficient time to qualify for a pension if the Chief Justice certifies.

Amendment agreed to.

**Major BRYAN COOPER:** I rise to move the following amendment

To add at the end of the Section, line 14, the words "but the Executive Council may on the advice of the Attorney-General extend the age of retirement in the case of any Jus-

This is rather different from the amendment which has been defeated. That made it compulsory to extend the age of retirement from 65 to 70 years of age. This amendment makes it optional for the Government, if they wish to do so, to extend the age to 75. It is precisely a similar provision to that to be found in Clause 12. It allows the Executive Council, on the advice of the Attorney-General, to give a District Justice a ten years' further term of office. That will not be done unless he is anxious to continue, and that he is thoroughly competent to do the work. I gathered that the Attorney-General is prepared to accept that suggestion so far as Dublin District Justices are concerned, up to the age of 70. I think there is a case to be made for the age of 75. The work the District Justice will be doing in Dublin is not more onerous

or more responsible than that done by the Recorder of Dublin, and the Recorder of Dublin is 73 years at the present day. It is a discretionary amendment, and it need not be acted upon unless the Government wish to put it in force. It does remove the necessity, that must be unpleasant for the Minister for Finance, to pension off a man who is capable of doing work and who is willing to continue doing it. I think the proposal is a sound and economical one.

**ATTORNEY-GENERAL:** The Deputy is inaccurate. I was prepared to accept the suggestion of 70 years for all the District Justices, and it was not merely for the extension to the age of 70 in the case of the Dublin District Justices.

**Major COOPER:** I thank the Attorney-General. Personally, I would prefer the age of 75. I will withdraw the amendment if the Attorney-General undertakes to put down that on the Report Stage.

Amendment, by leave, withdrawn.

Motion made and question put: "That Section 74, as amended, stand part of the Bill."

Agreed.

## SECTION 75.

No Justice of the District Court shall be removable from office save for incapacity or physical or mental infirmity or misbehaviour in office or misconduct, which shall be certified under the hands of the Attorney-General and the Chief Justice. It shall be the duty of the Attorney-General and the Chief Justice to give such certificate in case they are satisfied that such incapacity or infirmity exists or that any such misbehaviour or misconduct has taken place. Any such certificate shall not be questioned or made the subject of proceedings in any Court.

**Captain REDMOND:** I beg to move: In line 18, after the word "Justice," to insert the words "and the President of the Incorporated Law Society of Ireland." In moving this amend-

ment, to which I do not expect any opposition from the Government Benches, my desire is to place the District Justices in the same position in regard to the power that shall be enabled to remove them, as the High Court Judges shall be placed, in regard to the similar power required in their cases. The District Justices may be Solicitors as well as Barristers, and the rule-making authority of the District Courts includes two members of the Solicitors' profession, to be nominated by the Incorporated Law Society, and I think it is only proper that the authority which should have the power to remove these District Justices for incapacity or physical or mental infirmity or misbehaviour in office or misconduct, should include one member, at least, of their own profession. That member, according to my suggestion, would be of the authority and with the authority and on the nomination of the Incorporated Law Society.

**ATTORNEY-GENERAL:** The amendment could not be accepted. It would be impossible to impose upon the annually-elected head of a private professional organisation a duty of this kind—the removing of a magistrate. The President of the Incorporated Law Society is a professional gentleman elected every year to the head of his professional organisation. He is not a person who is in any way a public officer, or in any way responsible here, and it is impossible to accept an amendment imposing on him a public statutory duty of this kind.

**Captain REDMOND:** Might I be allowed to remind the Attorney-General that a public statutory duty has been imposed by Section 66 on two solicitors selected by the Council of the Incorporated Law Society of Ireland in regard to rule-making, and I cannot for the life of me see that if a public statutory authority is to be conferred upon the members of a profession in regard to one portion of this Bill, why it cannot be conferred on them in regard to another portion. I think that is a very thin and very flimsy reply, if I may characterise it so, to my very just and reasonable request.

**Major COOPER:** I think I see the Attorney-General's point, and it is that a person who changes every year might not be a suitable person. Would the Attorney-General in some way meet the case made by Deputy Redmond, because it is very desirable that the solicitors' profession should not feel that they are being discriminated against? Perhaps, he might make provision for a person selected by the Incorporated Law Society? Then, you would have one fixed person who will not vary from year to year.

**Professor MAGENNIS:** The argument is more specious than sound. True, some of the District Justices will be drawn from the solicitors' profession. They have the protection that their dismissal must be approved and countersigned by the head of the entire Courts of which they are officers. Every practising solicitor would be an officer of the Courts, and the Chief Justice is the head, just as the Attorney-General is the head of the Bar. Therefore, the protection which is so necessary and vital, and which Deputy Redmond is quite correct in seeking for, is provided in the Bill as it stands.

**ATTORNEY-GENERAL:** I have interviewed, on several occasions, members of the Council of the Incorporated Law Society, including the President, with reference to this Bill, and no suggestion of this kind has come from them. I do not know on what authority it is put up by Deputy Redmond. I do not know whether he is able to say that the Society would be willing to accept what is very far from an attractive duty. It is perfectly clear when the head of the Courts is one of the authorities who has to act in what is a judicial matter, that solicitors or barristers will be equally satisfied that justice will be exercised with fairness and consideration.

It is quite impossible that the Government can accept the proposal to impose upon this body, which has never been consulted, the unpleasant duty of considering the removal of a District Justice.

**Captain REDMOND:** I can assure the Attorney-General that I speak in this Dáil on behalf of no society, and

[Captain Redmond.]

that I speak on behalf of no organisation, and that I am speaking entirely on behalf of myself as a public representative. I can further assure him that I have not been in consultation with the Incorporated Law Society; that I have put down this amendment upon my own responsibility, that I take full responsibility for it, and I think, in the interests of the future Justices, that it is only fair that they should have one of the profession, to which a great many of them will very likely belong, to adjudicate upon their action. Now, in regard to imposing this duty upon them I do not think, I hope at any rate, it will not be a great imposition, because I feel confident that the men that shall be selected by this Government to carry out these duties of District Justice will not be men that will be called upon to relinquish their office by reason either of their incapacity or their misconduct. I would also like to add this, that I cannot see why, if two solicitors are to be part and parcel of the Rule-making authority for these Courts they should not also and equally be part and parcel of the authority which shall have power to dispense with, in certain contingencies, the persons who administer the Rules of these Courts. I do not see the inconsistency of it at all. On the contrary, I see that it would be only bringing this Section into conformity with the other Sections and portions of the Bill. To suggest because the President of the Incorporated Law Society may be one man to-day and another man to-morrow that therefore it would be futile to make him as such the determining factor in this contingency, which I trust will be a remote one, is as absurd as to say that the Minister for Home Affairs or that the Circuit Judges should not be members of the Rule-making authority of the future, because the present Minister for Home Affairs is not going to be Minister for Home Affairs for ever, even in this country; neither are the Circuit Judges going to remain the same Circuit Judges for ever and a day. Everyone of us has got to go, and therefore the suggestion that because the President of the Incorporated Law Society will not be the same President to-morrow or next year

or the year after that, therefore, he should not in that capacity be given this power, which I say is a very reasonable and a very right and proper one, is, to say the least of it, absurd. I will say this to the Attorney-General—he may like to ask me whether I have consulted this body or that body in the execution of my duty here. I want to tell him here and now that I consult nobody and nothing but my own conscience and my own duty as a public representative, and that it is not in the interest of this society or of that that I move, but that it is in the interest of the public at large. I, certainly, in view of the obdurate, adamant attitude of the Attorney-General to this reasonable proposal of mine, will press it to a division.

**ATTORNEY-GENERAL:** It is not right to take up the time of the Dáil asking that an obligation should be imposed upon a private person, the head of a private society, or the head of a private organisation, without having consulted that society or its head as to whether they are willing to accept that responsibility. The other responsibilities which are extended to the members of the profession, or to the Incorporated Law Society, have been so extended after consultation with the Society, and with its recognised authority.

**Professor MAGENNIS:** There is a further point. Participation in the making of the Rules is a privilege, whereas this duty that Deputy Redmond seeks to impose is a painful duty from which the ordinary individual would, if it were in his power, withdraw. The Chief Justice of the Supreme Court is an institution; if I may borrow the famous phrase of Madame de Stael about Napoleon, he is more of an institution than a man. The Attorney-General is a public officer. The head of the Solicitors' profession is an elected gentleman who holds office on behalf of the solicitors for a limited period. The public are not privy to his appointment, nor he to the public. The Chief Justice is in a different position. Every solicitor practising in the Courts is in a manner subject in his conduct as a professional man, amenable to his control. The situation,

therefore, is that there is an incontestable guarantee that no injustice will be done to any solicitor or District Justice, because the proper administration of the law is the duty of the head of the Supreme Court to supervise and to safeguard. The parallel which Deputy Redmond seeks to draw is not a parallel. The making of Rules is a very different thing from having the control of one of the most important transactions of public administration, to wit, the removal from his office, of a Judge. I repeat again that the District Justice is a Judge within the meaning of the Constitution. The removal of such a man from his office through alleged incapacity, misbehaviour, or misconduct, is one of the most serious things in public administration, and to decide whether or not there is a case against a District Judge is one that calls for the exercise of this great power and should not be put into the hands of a man who is not distinctly and decidedly an officer of the public.

Amendment put and negatived.

**Professor THRIFT:** I beg to move: "In line 22, to delete the word 'any' and to substitute therefor the word 'no,' and to delete the word 'not' in the same line."

**ATTORNEY-GENERAL:** I accept that.

Amendment agreed to.

**Mr. DAVIN:** I beg to move: To add a new sub-section:—

"(2) Save in the case of a re-organisation or a re-distribution of Districts, no Justice of the District Court shall be transferred from one District to another without his consent. In all cases the reasonable expenses of removal of a District Justice who is transferred to another District shall be payable subject to regulations made by the Minister for Home Affairs with the concurrence of the Minister for Finance out of moneys provided by the Oireachtas."

The clause as it stands gives security to Justices against dismissal by the Executive Council, or a Minister, but it is quite possible that a Minister might be anxious to harry or worry a

District Justice who was behaving in an obnoxiously independent way, and it is for the purpose of safeguarding the District Justice against such interference that this amendment is being put forward. I do not claim, in the words of the amendment, to give an absolute security of tenure in a particular area to a District Justice, but, if the Government wish to avail of the services of any exemplary Justice for the purpose of teaching a lesson in other areas, this amendment makes a claim for reasonable expenses of removal of such a Justice. It is for that purpose I move the amendment, and I hope the Attorney-General will accept it.

**ATTORNEY-GENERAL:** The Government are not prepared to accept this amendment. While it is undoubtedly the case that under the old regime there was a possibility of very undesirable operations upon the magistrates, the predecessors of the District Justices, the position now is so far changed with a Parliament here upon the spot where anything of that kind can be raised and challenged immediately, that public representatives have such control that it is impossible to imagine operations of that kind being carried on corruptly, or with the ulterior motives to which Deputy Davin refers.

On the other hand, it may be desirable from time to time to change a Justice from one district to another. A man may be more suitable to a Southern temperament than to a Northern, and vice versa, and it may be necessary, in the honest administration of the provisions of this Act, to change a Justice from one part of the country to another. The very fact that you have here a Parliament in session, a Parliament able to challenge the action of a Justice and to call for an explanation, if it needs explanation, makes unnecessary the provision which the Deputy suggests, a provision which in other times might have been prompted by the fact that you had a Government without responsibility which did move people for particular motives which could never be challenged. For that reason the amendment is not acceptable.

**Mr. JOHNSON:** In the previous discussion, the Attorney - General rather wisely deprecated the invocation of the Dáil, or of the Minister, in any matter affecting Justices or Judges. That is a sufficient answer to that part of his reply to Deputy Davin where he spoke of the Dáil being in session and that questions might be raised. I think it is undesirable except in very extraordinary circumstances, that the conduct of Judges should be brought into question or that even the conduct of the Ministry for the time being in relation to the Judges, should be brought into question. There may be some other reasons besides those which have been stated by the Attorney-General, but it seems to me that it should not be quite within the option of the Ministry to transfer a Justice without his consent, and in such cases, where there are transfers made, there ought to be some allowance made for the cost of removal, and that is not provided for in the Bill as it is drafted. I think the Attorney-General did not refer to that part of the amendment in his remarks.

**ATTORNEY-GENERAL:** I am not sure whether, in point of fact, the expenses of removal would be allowed as a matter of course or not. That is a matter I will have inquired into before the next stage of the Bill is reached.

**Mr. DAVIN:** Would the Attorney-General be prepared to give an undertaking that he would consider the amendment and bring forward on the Report Stage some suitable way of meeting the case I have made?

**ATTORNEY-GENERAL:** I take it what the Deputy means is whether a check of some kind might be imposed upon the removal or change of a Justice from one place to another. I will have that considered.

**Mr. DAVIN:** And on the question of expense also.

**ATTORNEY-GENERAL:** Yes.

Amendment, by leave, withdrawn.

Question— "That Section 75 as amended, stand part of the Bill"—put and agreed to.

## SECTION 76.

All Justices of the District Court shall be entitled to pension, subject to the same conditions and on the same scale as Civil Servants. Provided that any Divisional Justice aforesaid or any District Justice under the District Justices (Temporary Provisions) Act, 1923, who may be appointed a Justice of the District Court shall be entitled to count time served as a Divisional Justice or a District Justice under such last mentioned Act as time served as a Justice of the District Court hereunder.

**Mr. DUGGAN:** I beg to move the following amendment to this Section:—

In lines 24, 25, and 26, to delete all from the words "All Justices" to the words "Civil Servants," inclusive, and to insert in lieu thereof the following words:—

"Subject to his being in good health at the date of his appointment to the office, the office of a District Justice shall be a pensionable office within the Superannuation Acts, 1834 to 1919, and the pension, gratuity or allowances granted to or in respect of a District Justice on his retirement or death shall be ascertained in the manner and subject to the conditions prescribed by those Acts, and a certificate by the Chief Justice shall be a sufficient certificate for the purposes of Section 8 of the Superannuation Act, 1859."

The amendment does not in any way alter the effect of the clause as it stood originally. It merely states in a more definite way the terms under which a District Justice becomes entitled to a pension.

**Mr. DARRELL FIGGIS:** The opening words of this amendment "Subject to his being in good health at the date of his appointment to the office," seemed to me to afford an example of unconscious humour. I would like to have heard a little more explicit definition from Deputy Duggan in moving this amendment of exactly what responsibility is involved and as to what the subsequent operations are likely to be. The opening phrase of the amendment says, "Subject to his being



in good health." Surely it might start off by saying that no man shall be appointed unless he is in good health. How is it to be discovered at a subsequent date with no medical certificate available that at the time he was appointed some years before he was in good health or not in good health. I ask has the phrase any meaning at all? If it has not any meaning whatever, why, then, I ask, put it into this amendment?

**ATTORNEY-GENERAL:** The Section as it stood originally contained the expression "subject to the same conditions and on the same scale as Civil Servants." It did seem to us that it was not desirable that Judges should have that suggestion made that they were in the position of Civil Servants. From the original wording of the Section it might be supposed that they were in any way subordinate to some Department or Ministry, and it was accordingly decided to change that and substitute the clause introducing the provisions of the Superannuation Act. It makes no substantial alteration. The provision as to good health merely involves producing a medical certificate at the time of appointment so as to qualify afterwards for a pension. The Chief Justice is substituted for the head of the Ministry or Department. Otherwise there is no substantial alteration.

**Mr. JOHNSON:** I would like to congratulate the Attorney-General and the Ministry for this revision, because Section 76, as drafted, was in keeping with certain other sections in suggesting that the Justices were to be placed in the category of Civil Servants. There are two or three other suggestions, and when we were speaking of the age retirement being 65 that rather emphasised the fear that the Justices were to be considered as Civil Servants. I am very glad to find that that defect in the Bill has been amended at the instigation of the Ministry itself.

**Mr. DARRELL FIGGIS:** The point to which the Attorney-General directed his remarks and the point taken up by Deputy Johnson is one with which I am in entire agreement. I think the substance of the amendment is of very

great importance indeed, that these District Justices should be appointed in a manner different from the manner of appointment for Civil Servants. I was merely addressing myself to the question with regard to the opening sentence of the amendment and as to what would be its effect. Would it not be very much better, and I put this now to the proposer of the amendment definitely, that the amendment should begin with the second phrase, and that the words, "the office," in the second line, "the office of District Justice shall be a pensionable office," omitting the words, "subject to his being in good health at the date of his appointment to the office."

**Mr. GOREY:** Personally, I can imagine no form of words more calculated to lead to future law suits or to more contention than these, "subject to his being in good health at the time of his appointment to his office." If at the end of ten or twelve years a District Justice is retired, who is to decide the question of his being in good health at the time of his appointment? What evidence can be produced? I can conceive nothing more conducive to lengthy law suits than the effort to prove whether a man was in good health or not. There is no necessity for such a form of words at all.

**ATTORNEY-GENERAL:** The intention is that only men fit and capable for the position will be appointed. The idea is that at the time of appointment they would satisfy the Ministry that they are fit. I shall certainly consider the suggestion of Deputy Gorey as to ambiguity because it is not intended that the matter should be re-opened subsequently. The idea is that the Ministry, when making these appointments, should be satisfied that they are appointing fit men for the particular offices, and I will consider the wording with a view of making that clear.

**Mr. DARRELL FIGGIS:** Still it would be in the power of the ordinary Minister at any time, though not the wording of the Bill. They have the power to appoint, they have the power not to appoint, and they need not appoint on medical grounds. I suggest that the amendment might begin:

[Mr. Darrell Figgis.]

“The office of District Justice,” leaving it to the Ministry at the time to say whether such and such a person should or should not be appointed for a variety of reasons, health being included amongst them.

**Professor MAGENNIS:** Does Deputy Darrell Figgis suggest that some deserving member of the Bar or of the Solicitor's profession should not be appointed a District Justice simply because he does not happen to come up to the standard of good health, as some doctor understands it? I think Deputy Darrell Figgis is in a facetious mood upon this point, but it was not to deal with the jocosity of the Deputy that I rose, but to have the guidance of the Leas-Cheann Comhairle, upon a very important matter. The amendment which follows in my name is to delete lines 24-26 from the words, “All Justices” to the words, “Civil Servants,” inclusive. That is identical with the beginning of Deputy Duggan's amendment, and the second part of mine is to substitute the provisions of Section 43 above. That is, in other words, to treat these judges as all other judges are treated; and that would have the effect of carrying out Deputy O'Connell's intention to the effect that the remuneration and pension payable to every Circuit Judge shall be payable out of the Central Fund, in like manner as they are payable to the Judges of the High Court and of the Supreme Court. Now, it occurs to me that I would like to have your decision as to whether, if Amendment 15 is passed, my amendment goes by the board; yet the spirit of both is identical in so far as they are amendments aiming at the deletion of these words, to prevent any person getting a wrong impression that these District Justices are the servants of the Ministry; in other words, an impression that might have been conveyed by Section 70, as it stood originally, is to be made impossible. Now, so far, I am with the amendment of Deputy Duggan, but after all the proposal is a proposal to make them, for the purposes of superannuation Civil Servants, although it is not to be stated. Now I would suggest that the dignity of the office, and its

capacity to impress the public, so as to have its proceedings and its decisions received with proper respect and obedience, would be better served by leaving them in the position in which the Circuit Judge is left, and I would respectfully urge that upon the Attorney-General and the Ministry. These, as has been said repeatedly since the discussion began, are the poor men's judges. They will be concerned with 75 per cent. at least of the litigation of the Counties, and the standing of the judge is therefore of the last importance. If litigants in the courts get the impression that the judge is not paid better than the State Solicitor of the County or the Clerk of the Court, it will not make for that desirable end: the treatment with respect and the acceptance obediently of the decision of the District Justice. It seems to me, therefore, that since it does not involve any expenditure larger than it is intended, and as it does not commit the Exchequer to any undue extravagance, and does elevate the status of the District Justice, it would be far better to apply to him *mutatis mutandis* the words in Section 43.

**ATTORNEY-GENERAL:** The pension provisions in the case of the Judges of the other Courts are not capable of being applied to the District Justices for this reason. District Justices are appointed at a much younger age and are capable of working out their pensions in the ordinary way in the ordinary process of time. Judges of the other Courts are usually appointed and will continue to be appointed, I suppose, at later ages, when it becomes almost impossible to work out their pensions under the Superannuation Acts, and for that reason they have to be dealt with on a special basis to enable them to qualify for pensions in a special way. These reasons do not apply in the case of District Justices, whom it will be necessary to appoint at a considerably younger age, and who can, therefore, be allowed to qualify for pensions on the ordinary lines.

Amendment put and agreed to.

Amendment 16 not moved.

Question: “That Section 76 as amended stand part of the Bill,” put and agreed to.

Section 77 ("Temporary Assistant Justices") was agreed to and added to the Bill.

### SECTION 78.

The District Court shall have and exercise the following jurisdiction:—

#### A.—In Civil Cases—

(i) In contract and breach of contract where the claim does not exceed £25.

(ii) In tort (except slander, libel, criminal conversation, seduction, slander of title, malicious prosecution and false imprisonment) and claim for damages unconnected with contract where the claim does not exceed £10, provided that no Justice shall have jurisdiction when a *bona-fide* question of title to land is in issue and the act giving rise to the proceedings before him was done *bona-fide* in assertion of such title.

(iii) In ejectment for non-payment of rent or overholding in any class of tenancy where the rent does not exceed such sum as amounts or might amount to £26 per annum.

B.—In Criminal Cases:—In any of the following cases, if the Justice shall be of opinion that the facts proved against the accused constitute a minor offence fit to be tried summarily and the accused shall elect to be so tried—

(i) In larceny, receiving, embezzlement or false pretences—Jurisdiction where the money or property involved does not exceed £20 in value.

(ii) In assault—Jurisdiction in assault occasioning actual bodily harm.

(iii) In indecent assault—Any such case may be heard in camera.

(iv) In burglary or housebreaking or attempts at either.

(v) In riot or unlawful assembly—Jurisdiction in cases in which the Justice shall be of opinion that the crime was not in furtherance of an organised conspiracy or if it was in furtherance of an orga-

nised conspiracy that such conspiracy is at an end.

(vi) In malicious damage to property—Jurisdiction in cases of damage not exceeding £20.

Provided that a sentence of six months' imprisonment with or without hard labour shall be the maximum sentence to be imposed in any of the said cases disposed of summarily. Provided also that any criminal cases not disposed of summarily shall be sent forward for trial (subject as in this Act otherwise provided) if within the jurisdiction of the Circuit Court to the Judge of the Circuit within which the District lies and if not within such jurisdiction to the next ensuing Court of the High Court (Circuit for the District or to the Central Criminal Court in cases within its ambit.

C.—In licensing cases:—All licensing jurisdiction heretofore exercised by Justices of the Peace at Petty Sessions or at Quarter Sessions or by Courts of Quarter Sessions or by Recorders or by Justices of the Peace out of Petty Sessions except the power of granting new licences conferred on the Circuit Court by Section 50 of this Act.

**Mr. DUGGAN:** I beg to move:—

In page 15, lines 41 and 42, to delete the words "the following jurisdiction" and to insert in lieu thereof the words "all powers, jurisdictions, and authorities which immediately before the 6th day of December, 1922, were vested by statute or otherwise in Justices of the Peace sitting at Petty Sessions and also (by way of addition and not of exception) the following jurisdictions."

The effect of that is to transfer to the new District Courts the jurisdiction of the old Justices of the Peace, and to effect that transfer without reference to the District Justices (Temporary Provisions) Act, 1923, which is only a temporary Act and will shortly expire.

Amendment put and agreed to.

R

**Mr. BEAMISH:** I beg to move:—

In page 15, line 45, to delete “£25”  
and to substitute therefor “£5.”

Under Section 78, page 15, line 45, it is proposed to transfer much business heretofore dealt with by the County Court Judges to the new District Courts presided over by District Justices. Decentralisation may be generally assumed to encourage the tendency to inefficiency, and it is therefore clear that cogent reasons involving a distinct improvement in laws as they at present exist must be advanced and proved before so serious a change takes place which, while benefiting a few individuals will, on the other hand, tend to depreciate the effort to sustain justice and efficiency for the community at large. The old adage “where the carcase is there will the eagles be gathered together,” has a distinct bearing upon this question. Once we proceed to divide the carcase into many minor portions the eagles may disappear and we may find ourselves relegated to smaller birds who do not possess the power of pressing forward justice with the strength or the ability of the former eagles. This would constitute a distinct loss to the community in general.

It may be found that the work sought to be imposed upon a District Justice under the Bill is beyond the physical powers of such a District Justice who, in exercising all the jurisdiction of a former Resident Magistrate, is at present engaged to his full capacity, especially as to time. A District Justice so pressed and, perchance, without the full qualification of the former County Court Judge, may at times be tempted to rush his judgment to the detriment of the justice which he is desirous to administer. Most complicated legal questions would have to be dealt with by the District Justices, by thus transferring, say seventy-five per cent. of the existing County Court administration to the District Courts. Most of the present Clerks of the District Courts are officials having no previous experience in dealing with the legal work of the Petty Sessions, to say nothing of further important work that it is proposed by the Bill to hand over to them, and, when we add to this

fact that the proposed District Justices may not possess the qualifications of the former County Court Judges, a serious danger at once arises that the administration of the law may be derided and errors may arise as the result of the proposed change.

This amendment may increase the number of the Circuit Court Judges; but, despite the increased expenditure thus involved upon the State, the law will be, in all probability, more efficiently administered to the benefit of the general community. It may be admitted that local sympathy is generally extended to the local defendant. On the other hand, if such sympathy is thus extended without any true reason, the general local community may be injuriously affected to the sole benefit of the individual interested.

In addition to what has been stated, the result of such a transfer of legal business would be that litigants in such Courts would be unable to provide legal assistance except at an expense out of all proportion to the sum involved in the litigation. General credit will be at once curtailed and the prosperity of the community will be diminished. It would, therefore, appear wiser to legislate rather for the general welfare of the majority, even at a slight sacrifice, on behalf of the individual. Many of these District Courts are held in country districts far removed from the place of business of any solicitor. Naturally, no solicitor would incur the expense of attending such a Court, and the great loss of time involved, for any fee in proportion to the amount at issue in the case. This is clearly not in the interest of the public. On the other hand, the Circuit Court is held in the principal town of the county, where there are resident practising solicitors available at all times, who, under the present County Court scale of charges attend to small cases at a cost to the client of a few shillings for professional charges. Independent of this reason, it is considered that the Circuit Courts are in every way more fitted to deal with the large and varied business proposed to be transferred than the District Courts.

Under the proposed amendment the District Courts would still have jurisdiction in cases of contract and breach

of contract where the claim does not exceed £5, and it is considered that this is as far as the extended jurisdiction should go.

**ATTORNEY-GENERAL:** I gather that I need only say a word upon this, and it would be this, that in all the proposals of this Bill I do not think there was anything for which there was so general and insistent a demand as that we should give to the District Justices a jurisdiction in small debts and similar cases to dispose of them locally, expeditiously and cheaply for the people. In fact, for months past we have had representations from all over the country urging that even during the temporary period of the District Justices that jurisdiction should be conferred upon them. It was not feasible, but we feel that in this provision we are giving the people a thing that has certainly been generally and universally demanded.

Amendment put and lost.

**Mr. HEFFERNAN:** The amendment in my name is:—

In page 15, line 45, to delete “£25” and to insert in lieu thereof “£10.”

I have decided, after mature consideration, to withdraw this amendment, as I consider that the £25 jurisdiction is more compatible with modern considerations than £10.

Amendment not moved.

**Mr. DARRELL FIGGIS:** On a point of order—I do not raise this in any contentious spirit, but merely as a matter of guidance for the future—if there do happen to be three names to an amendment, and the first of them wishes to withdraw, does he withdraw the amendment or does he merely withdraw his support of it?

**AN LEAS CHEANN COMHAIRLE:** I called the amendment, and there was no one to say a word in favour of it. I took it that none of the other Deputies wished to move the amendment.

**Mr. BEAMISH:** The next amendment in my name is:—

To delete Clause A. (ii), page 15, lines 46 to 53.

This is practically the same as the

other amendment which I moved and I think, therefore, it is better to withdraw it.

Amendment not moved.

**Professor THRIFT:** I beg to move:—

In Clause A (ii), line 48, to delete the word “claim,” and to substitute therefor the word “claims.”

This is another verbal amendment. In moving it I would suggest that perhaps a better verbal amendment would be to put the word “a” before “claim” in line 48, but certainly as it stands it is hardly correct.

**ATTORNEY-GENERAL:** I accept the word “claims.”

Amendment put and agreed to.

**Mr. McGOLDRICK:** I beg to move:—

In clause A (ii), to delete lines 50 to 53 and to insert in lieu thereof the words “Provided that no Justice shall have jurisdiction when a bona fide question of title to land is in issue and the act giving rise to the proceedings before him was done bona fide in assertion of such title unless the Poor Law Valuation of the land the title to which is in issue does not exceed £10 in which case the Justice shall have no jurisdiction subject as in this Act provided, to try the case and to decide the issue of title involved.”

This Bill, in giving District Courts jurisdiction in actions for debt and contract up to £25, and up to £10 in actions for damages, makes a very valuable proposal. It will be a very valuable enactment and will be of great service to poor people in the remote parts of the country. But it has a very grave defect. It does not give any title jurisdiction to the District Courts. About 70 per cent. of the cases in counties like that which I represent are concerned with questions of title—disputes about rights of way, fences, water rights, etc.—and to my mind it will be an intolerable hardship if people are compelled to travel long distances to Circuit Courts to have such cases decided. These cases must arise among small farmers, because land is more valuable to the small man than to the big farmer. A great deal of the dis-

[Mr. McGoldrick.]

turbance and the unsettled conditions among the people in the remote districts arise from these little contentious disputes.

I take a case from my own county of two neighbours from Tweedore or Rosses, whose valuation would not exceed £2, and who have a dispute about a piece of rocky land or about a fence. Under the Bill, if this Amendment is not accepted, these poor people will have to travel to a Circuit Court, a distance of 50 or 60 miles, bringing with them a host of witnesses, and perhaps have to stay away three, four or five days. I am perfectly certain, since the District Justices are lawyers, that these small cases could be better dealt with in local Courts, where the witnesses could walk to the trial and where the Justice, if necessary, could inspect the ground. We have been listening to the amendments which have been suggested, and I have been amazed to find that the interests of the people, who have to bear the expenses, are not receiving much consideration. If it concerns the professions the whole subject is examined carefully, but we have not had a single agency making itself vocal on behalf of the people who are to be saddled with taxes, so that law may be made convenient and cheap. I think that is wrong, and I hope that I will not have any opposition to this amendment from the Minister in charge of the Bill. A great many of the public Boards in my constituency have passed resolutions calling for such jurisdiction, and there is a very strong feeling in favour of it. I believe that what applies to Tirconnail applies also to other counties. If you side-track this little concession, which is going to give facilities that are needed, or if you withhold these facilities in the interests of any profession, a wrong is going to be done.

**Mr. WHITE:** I appeal to the Attorney-General to accept the amendment. Three-fourths of the litigation in the County Courts in counties like Tirconnail was made up of small title cases, rights-of-way, water and grazing disputes, and, as Deputy McGoldrick stated, were carried on between small farmers, men with small valuations. If title jurisdiction is put into the hands

of the District Justices they will be in a position to decide such cases. By doing so, the Attorney-General will be rendering a great service to poor men, as he will give them cheap law. As the District Justice is a trained lawyer, he will be in a position to decide such cases as well as a Circuit Judge. As a result, a large amount of money will be saved to poor people all over the country. I have experience of litigants travelling from remote places like Malin Head to the county town of Lifford, a distance of 60 miles, across two railways, the whole matter in dispute not being worth 5/. If these title cases are to be continued in the Circuit Courts, money will be put into the pockets of solicitors, whose interests have already been well safeguarded in the Bill. I appeal to the Attorney-General to accept the amendment, as by doing so justice will be done to the people in counties like Tirconnail.

**Mr. O'CONNELL:** The next amendment is in my name and embodies in the first paragraph the same idea as is put forward by Deputy McGoldrick in the present amendment. I strongly support the object of the amendment while not committing myself exactly to the wording, which I have not closely studied. As other Deputies have pointed out, it is true that in areas where there are small land holders, and where land is precious, they have not much to fight about except small pieces of land. In the old Petty Sessions Court, title cases could not be heard or adjudicated upon, the idea, I suppose, being that the magistrates were not lawyers and could not readily deal with questions of the kind.

Questions of title were therefore sent forward to the County Court Judge. What often happened in cases which did not strictly arise out of land disputes, assault cases, or something of that kind, was that a clever lawyer always managed to plead that a question of title was involved, and thereby prevented the local magistrate from deciding the issue. He put the onus on the opposing party to bring his case forward to the County Court, knowing, perhaps, beforehand that the other party would have great difficulty, owing to the cost, in bringing it for-

ward to the County Court and would possibly let it drop. It was, I believe, a well-known trick in the game to plead title in such matters. As I understand the position now, it is open to a barrister or a solicitor to make the same points in these District Courts. I see no reason why these small title questions should not be decided in the District Court, and I support the idea put forward in the amendment of Deputy McGoldrick.

**Mr. BAXTER:** A later amendment which stands in my name is in essence that of Deputy McGoldrick. Those of us who come closely in contact with rural life will agree that 80 per cent. of the cases which went before the County Courts previously were petty cases in which title was involved. We were accustomed to see ten or twenty witnesses coming distances of sixty miles into the county town, sometimes having to stay there two or three days and spending, perhaps, half the proceeds of the work on their farm on small matters involving, perhaps, five or ten shillings. Now, unless the District Justice gets jurisdiction, we are to continue that system, and the poor man is not going to benefit. I think it only fair that this Dáil should take into account the position of the poor man, and if possible accommodate him. It may be argued, of course, that the District Justice may not be capable of deciding questions of title. In many cases it is not difficult to decide questions of title. If it were possible for the District Justice to go into the field or path where the dispute arises and spend five minutes there he would act with more justice to all sides than a County Court Judge or a High Court Judge would in two days. That is a point which the Dáil should take into account, and if the Attorney-General adopts that point of view he would be doing the best possible service to the poor of the Saorstát.

**Mr. DOHERTY:** I desire to endorse the statements made by my brother members from Donegal. In this matter it is a positive nuisance and injustice that poor people should be put to the great expense of proving title. In Donegal there is really no such thing as title, but whenever transactions in

land and property take place poor people who have to live by the sweat of their brow have to come to the county town to establish a title. I hope the Attorney-General will accept the views unanimously expressed by the members from Donegal.

**Mr. WARD:** I am not one of the unanimous members from Donegal in regard to this proposal, for several reasons. One of these reasons is not, as Deputy White suggested, that the dropping of this amendment would put more money into the hands of professional gentlemen. As a matter of fact it would pay the profession better if these cases were tried by District Courts at a scale fee. We have had statements here that 75 per cent. of the business of the County Courts at present is taken up with title cases. I should have just as good an idea of the work of the County Courts as some of the Deputies who have already spoken. At the last Sessions there were about seventy or seventy-five defended cases, and I would like to know how many of them were title cases. There were not more than three or four. The reason that some Deputies believe that the Courts are taken up so much with title cases is that these cases drag on for a whole day. That is one of the reasons why I am opposing this amendment. You have to consider upon what Court you are conferring jurisdiction. A District Justice in Donegal has to attend about twenty Courts in one month.

You have already conferred on him a big jurisdiction. He has a time table fixed a year before for the whole area where he will hold his Courts. He has to hold a Court in Dungloe, the home town of Deputy McGoldrick. He may be due the next day at Carndonagh, the home town of Deputy White. Listed before him in Dungloe there may be 10, 20 or 40 cases. If a title case comes first, it may last the whole day, and then he has to adjourn until next month.

**Mr. WHITE:** He can re-cast his time table.

**Mr. WARD:** He cannot, because he does not know what will arise. I say it is of more expense to the public to

[Mr. Ward.] give this jurisdiction to the District Court. You will drag witnesses there, but if they do go to a Circuit Court Sessions the Judge there has the power of carrying on from day to day and will hear them eventually. £10 valuation is the amount specified in the amendment. I wonder does the Deputy realise how many farms in the County Donegal are under £10 valuation? I think at least a half.

**Mr. WHITE:** Three-quarters.

**Mr. WARD:** That would mean that all the law in that county would be handed over to the District Justice. You cannot ask men to do more than they are able to do. These men have to eat for a big area on stated days and hours of those days. I have met many litigants in these title cases and I have not heard any expression that they were anxious to go into the Sessions Courts. I do know they were always anxious to have them fought out to a finish in the County Court. I do not know that they want their cases rushed. They want all the time possible devoted to those cases. Witnesses, maps and engineers are produced in the Courts. One point was made by Deputy White, that the solicitors did not want to lose these cases. It would be better for the solicitors' profession if jurisdiction were given to the Sessions Courts. Solicitors only practice in a certain number of towns in any county. The nearest town to Dungloe is Letterkenny. To come to a District Court in Dungloe solicitors will charge special fees. Deputy White knows that when a solicitor has to travel out of his own town he charges a special and very heavy fee. Those are much higher than the costs a man would have to pay at his own County Court. One thing is omitted. There is in this Bill an amendment adopted by which the Circuit Judge has the power of transferring to the District Judge any business he thinks fit. If solicitors, by consent, agree that that can be heard by a District Court Justice, it is very easy to have that done. The case can be transferred on the ground of witnesses. It will be more convenient for witnesses to attend at the District Court. That

would meet the case. If you put all this jurisdiction on to the District Justice he will not be able to compete with the work.

**Mr. WHITE:** Deputy Ward is speaking from a professional point of view as a solicitor. Deputies McGoldrick, O'Doherty, Baxter and myself are speaking from the point of view of the poor man litigant, and we consider we have a right that our argument should be considered here. I have experience of County Courts and Assize Courts, and I know what consideration the poor man will get from County Assizes, say, at Lifford. Probably the Court will be adjourned or sent on to Derry City. The amendment is a humane amendment and is proposed in the interest of the poor man and the poor litigant. Three-quarters of the valuations of the farms in Tirconnail are under £10. I have seen Sessions in Lifford where there were 23, 24 or 25 title cases. I had often to put my hand in my pocket and lend money to those poor people to help to pay their expenses at Lifford and Strabane. If the litigant were defeated he had to go into the bank to pay the solicitors' costs. Every interest has been well supported in the Dáil, that of the Judges, District Justices, Circuit Judges, solicitors, except the interests of the poor man, and we are here to support the interests of the peasant. I think under the circumstances that extending the title jurisdiction to the District Justices where a valuation of £10 is concerned is reasonable, humane, and ought to be accepted.

**Major BRYAN COOPER:** Deputy Ward made a very clear and persuasive speech, but I think he made one superficial point when he spoke of the District Justice working a time-table. He works a monthly one. The Circuit Judge works a yearly one. Which is more disadvantageous to the litigant—to have his case adjourned for a month in his own local Court, or for three months to one 30 or 40 miles away? He adjourns a case and cannot finish it until he has been to Manorhamilton, Cavan or Monaghan. On the point of finance there is nothing to be said. I notice Deputy Ward did not answer Deputy Baxter's point that if you go



and look at a place you can give an accurate decision, and it would be easier for the District Justices to do this and easier for them to settle the case by doing it. The advocacy in District Courts will be in the hands of solicitors. In dealing with questions of title it is my opinion that solicitors are better than barristers unless the barrister is a Chancery barrister who has specialised in that work. Solicitors are dealing with titles every day. They are used to the forms and used to looking into mortgages. Titles are solicitors' business. I say you will have more instructive advocacy if those cases are tried under District Courts than if they are tried, as a sort of by-product, in the Circuit Courts.

**Mr. McGOLDRICK:** I merely wish to say that I hope the Government will not be influenced by the argument of expediency in this, because a very important principle is at stake, and the expediency of whether the time-table of the District Justice is able to accommodate itself to the requirements of the community or not is not a question that should be entertained by the Government at all. What we want is to give to these people the chance of having their little cases settled in a convenient, cheap way and not as in the past, when they had to drive from pillar to post at enormous expense. I can understand Deputy Ward, who is, perhaps, not so conversant with the requirements of the litigants as with another side of the business, and which possibly accounts for the curious view that he took on this question. However, I am sure at bottom he is as anxious as we are to facilitate the people, but at the same time he will understand that if a man has professional obligations he stands up to them, as he stands up to his obligations as a representative of the people to get for them the facilities they require in these cases. I hope the Government will accept this amendment, because no other part of the Bill is so faulty as this. It is the only real fault that I see in the Bill, that it does not give title jurisdiction to the District Courts. I think my amendment a very moderate one. The average valuation in the county of Tirconnail is £8, so that this will cover

a great number of the cases where litigation would arise among people in the remoter districts where the population is very congested, and where these disputes are numerous, and I ask the Government to accept the amendment and not to be guided by any desire for expediency at the expense of the people.

**Mr. DOHERTY:** I think Deputy McGoldrick has fairly expressed the views of most of us who are democrats from Tirconnail, but I think he has been rather hard on my friend, Deputy Ward. He is representing the professional side of the case, but he does not touch the side of the subject which concerns these unfortunate people who have no title in many districts. In my own district there are 3,500 families without any title whatever to the land that they occupy, and when they come up to the courts to establish a title they will have to employ Deputy Ward who, I hope, the Attorney-General will not forget would make an excellent District Justice. They will have to employ a professional man. I strongly urge on the Attorney-General that this amendment should be accepted.

**Mr. JOHNSON:** I want to support the amendment, or, at least, the idea behind the amendment. I prefer the form of the next amendment. But one would imagine from the arguments of Deputy Ward that the question of the jurisdiction had to be subordinated to a very small detail which fixes the number of District Justices. If we think that the primary purpose of the Bill is to appoint 33 District Justices, and the work of the Courts must be adjusted to fit in with 33 District Justices, then Deputy Ward's case is a good one, but only if we assume that. If it turns out that the amount of work to be done by these District Justices is too great for the number allotted to the country, then it is a very much easier matter to appoint more District Justices to satisfy the needs of the litigants and not to ask that the litigants should adjust their litigation to the number of District Justices. And, I think it is well worth reminding the Dáil that this is not a case that affects County Tirconnail alone. There is no clause in the

[Mr. Johnson.]

Bill, or in the amendment, which confines the jurisdiction in this matter to the County of Tírconnail, and from the information that has come my way, the demands of the people are that the District Justices should have their powers extended to cover the cases referred to in the amendment. I think Deputy Ward had in mind the allegation that very many people in the country live for the day when they will have a burst in the courts. That is a luxury that, I think, ought not to be encouraged. We ought not to encourage the people to live for that day when they will make their entry in the courts and when the competition will be as to the number of witnesses they will bring, and to have a regular blow-out. We know that that happens, but it is desirable, I think, that we should restrain the wish to have that great day, and the case for allowing the District Justice to have jurisdiction in such matters of title where he can, as has been pointed out, easily deal with the dispute on the spot where it comes from in the category of a conciliator even, before he comes to decide, is a good one. He is on the spot, and he can easily see what is at the bottom of the dispute. It seems to me that the case for easy and cheap litigation demands that this amendment, or some such amendment, should be agreed to. I hope the Attorney-General will agree, or will indicate that he is prepared to accept some slightly amended form which will embody the purpose of the amendment, and I would like to have his view before this matter is discussed further.

**Mr. CONNOR HOGAN:** I think at the best only a superficial case has been made for the amendment, which, on analysis, cannot be sustained. Its central ideas seem to be economy and the convenience of litigants. I say nothing as to the convenience. It is true that to have the case heard in the district would be a convenience, but when we turn to economy what are the facts? It is suggested to have the jurisdiction of the District Justices extended to valuations not exceeding £10, but let me point out that a £10 valuation does not represent the value of the land. It

is very much higher, as anyone knows who has put up land of a £10 valuation for sale. Let us realise then that the litigants will go into litigation to the neck, and they will brief counsel and solicitors. All this will be very expensive. It will mean far more expense than if they were brought to the county town, and I think, in the interest of the litigants themselves, the Dáil should not pass this amendment. After all, the amendment at most seems to be pandering to an appetite for litigation.

**ATTORNEY - GENERAL:** Before touching the amendment there is this one observation I would like to make. Deputy McGoldrick, in proposing his amendment, and Deputy White, in seconding it, suggested that this Bill has been approached from a professional point of view only. I venture to say that no Bill so far involving professional consideration has ever been presented to any Parliament with more regard for the people and for the litigants and with less regard for the professions interested. This question of title jurisdiction has only arisen at a late stage. The demand for giving civil jurisdiction to the Justices had gone on for a very long time and related only to questions of small debts, assault cases, and similar matters. It was not until the Bill was in the Dáil that one sensed any demand for giving to the Justices jurisdiction in title cases. So far we have heard practically only Tírconnail in advocacy of that particular jurisdiction. Clare, apparently, is against it, and Cork has not yet spoken. I have, however, had the matter under consideration. I am not prepared to deal with the amendment at present. It is a matter that we have been examining and considering. It is partly a matter of the capacity as regards time and opportunity of the District Justices to deal with a class of case which everyone who ever practised in the County Courts—I myself put in a number of years there in the usual apprenticeship—knows, occupy more time and excite more feeling and passion and are more important to the people concerned than almost any other class of case that can come before a Court. It becomes a question whether District

Justices, who primarily, after all, are magistrates for dealing with certain classes of criminal jurisdiction who have had added to them a certain limited class of civil jurisdiction, should be entrusted with this complicated, difficult and lengthy class of litigation. There is a good deal to be said on either side, but at the present stage, as I say, the matter has only been pressed from a limited part of the country, and at a late stage, and at the present point I am not prepared to accept the amendment, but I am prepared to pursue the enquiry I am having made as to how far it will be feasible to give some title jurisdiction to District Justices.

Amendment, by leave, withdrawn.

Amendment by **Mr. O'CONNELL**:

To add at the end of Clause A (ii), line 53, the words "except

"(a) where the land, the title to which is in issue, does not exceed £10 in Poor Law Valuation; or

(b) where the land the title to which is in issue does not exceed £20 in Poor Law Valuation, and the parties agree in a form to be prescribed by the Rules made in pursuance of this part of this Act to leave the matter in issue to be decided by the Justice subject to the ordinary right of Appeal to the Circuit Court."

**Mr. O'CONNELL**: This amendment is practically the same as the preceding one, and as the Attorney-General has given an undertaking to consider the matter I ask leave to withdraw it. I would like to direct the special attention of the Attorney-General to the second portion of my amendment, and he might find along these lines a solution of the whole question.

Amendment not moved.

Motion made to report progress.

### THE DAIL RESUMES.

Progress reported, the Committee to resume on Thursday, November 1st.

### THE ADJOURNMENT.

### ILLEGAL FISHING OFF TIR- CONNAILL.

**ATTORNEY-GENERAL**: I move the adjournment.

**Mr. WHITE**: I desire to draw the

attention of the Dáil to the continued and persistent illegal fishing within the prohibited areas along the Tirconnail Coast line, between Lough Foyle and Lough Swilly. I do not propose to make any charges against the Ministry.

**Mr. MORRISSEY**: On a point of order, might I draw attention to the fact that the Minister for Fisheries is not in the Dáil.

**AN CEANN COMHAIRLE**: I am afraid that is not a point of order, if there is someone on his behalf in the Dáil.

**Mr. WHITE**: He was here a moment ago and I had a discussion with him in the Lobby. I am not raising this for the purpose of making any charges against the Minister for Fisheries. My object is to place before the Dáil the condition of affairs existing on our far Northern coast line. I put on a question by private notice to the Minister for Fisheries on the 11th instant. In reply he said:—"I have, within the past week, entered into an arrangement with the Minister for Defence by which a certain number of patrol boats of that Ministry will be devoted entirely to fishery protection, and I propose to have a base for one of these vessels in Tirconnail, so that there may be constant patrol of the Tirconnail coast." Since this question was answered a flagrant and defiant attitude has been shown by those foreign pirates. They are unprincipled and audacious thieves, and they are thieving all the fish along the Tirconnail coast line. It is scandalous and outrageous that no effort is being made to check this thieving and piracy. It never went so far, and their audacity was never so strong as it has been since the Minister for Fisheries answered that question. It seems to have given them more energy, and they are working with more barefaced persistency than they have ever done before. They are trawling without lights, and they have their identification letters and registration numbers covered by tarpaulins so as to conceal their identity, and where boats' crews in Lough Swilly and elsewhere come out to identify them they make an effort to sink the boats. I am informed that at present.

[Mr. White.] about 30 trawlers are illegally operating in the area between Lough Foyle and Lough Swilly. I have recently been informed that several of these trawlers lie in the shelter of Innistrathull Island during the daylight, and during the night they come inshore, take up all the fish, and return to the sheltered ground as soon as daylight breaks. I suggest to the Minister that he should, through the Irish Lights Board, call for a report from the Innistrathull Lightkeepers, with regard to this allegation, and get from them the identity of these trawlers and where they come from. It is an absolute necessity that the Minister should take immediate steps to cope with the outrageous and illegal action of these English and Scotch trawlers. The fishermen at present are practically in a state of starvation. The potato crop has entirely failed along the whole North Donegal coast line, and these people have a hard prospect before them for the winter. It is an absolute necessity that something should be done in justice to prevent the piracy by these audacious robbers who are taking the fish. This fish is intended for the food of man, and it should not be stolen by English and Scotch thieves, who come along there, and run into Fleetwood, Morecambe, and other ports with their hauls.

I would also suggest to the Minister that when he sends a patrol boat round, or when he puts the patrol 8 o'clock. boat in Lough Swilly, or in any of the Donegal ports, that he will insist that the crew of the patrol boat will do their duty fearlessly and independently, because the allegation has been made to me, or rather the suggestion was made to me, that within the past couple of months, the crew of a certain patrol boat and the crew of some of these trawlers were consorting—I suppose about swopping a dog—at Burtonport. There is another matter which I want to bring to the notice of the Minister when dealing with this matter. I have here a letter which I received from the Tory Island fishermen. It reads:—

“ We, the witnesses, who caught an English Steam Trawler inside the

three-mile limit on the 25th and 26th May, 1922, wish to say that the case was heard at Falcarragh District Court on the 27th April, 1923. Benjamin Holt, Fleetwood, skipper of the fishing trawler, was fined £100 and £70 costs. But we, the witnesses, have never since got a penny of our honest expenses, and we would feel very thankful if you would enquire into the matter and make the Ministry of Fisheries send us our expenses. James Carroll, Denis Duggan, Patrick Rogers, James Doochan, William Doochan and James Doochan (John).”

This boat was caught on the 13th March, 1923. Identification letters F.D. Registry number 192. F.D. 158 was caught on March 24th, 1923. F.D. 413 was caught on March 24th, 1919. G.N. 33 was caught on November 23rd, 1922. G.N. 18 was caught on October 28th, 1922. G.N. 33 was also caught fishing in prohibited waters between Tory Island and the Coast Line. I do not raise this question this evening for the purpose of raising any charges of neglect against the Minister for Fisheries, but I am doing this for the purpose of letting the Dáil know the condition of affairs on the Donegal Coast Line. This is the condition of affairs that the Minister for Fisheries should take as quick steps as he possibly can to endeavour to end.

**Mr. O'CONNELL:** This matter of which Deputy White complains is not a County Tirconnaill matter. It is one of the aspects of the Fishing Industry which needs urgent and immediate attention. The whole question of prohibited areas, and what constitutes the prohibited area does not seem to be very clear. Some people speak of the three-mile limit, but I am not so sure that what is internationally spoken of as the three-mile limit is the proper limit in this matter. I understand that it is within the power of the Ministry concerned to extend that limit if necessary. I do not know whether that is a case or not. But I think the Minister for Agriculture on a former occasion, before the present Ministry of Fisheries was established, made some statement which would leave one under that impression. Another point in connection with this prohibited area,

or the definition of a prohibited area, is this, that it is sometimes set out by means of a line drawn from one particular part of the coast to another.

Some parts of the coast will approach that line or, I should say that line will, in some places, approach within a mile or a mile and a half of the coast. I would like if the Minister in his reply would make clear what exactly constitutes a prohibited area, and how these areas are arrived at and defined. In cases that I do know, I am aware that the fishermen themselves are not by any means clear on that point. There is no doubt whatsoever that the allegations made by Deputy White are true so far as practically all the fishing grounds are concerned. They are being continually raided by English and Scotch steam trawlers, and even by French trawlers, and it is clear, I think, that the provision made for the protection of the fishing grounds is not ample. I think that is quite clear from the evidence that is available. I do suggest that the Minister should make such arrangements and press that such arrangements should be made as will give this necessary protection to the fishermen. I, myself, during the month of August, saw quite close to the Arran Islands twelve steam trawlers. They go out and fish during the night apparently, and come into the harbour during the day. The only fish that was available on the island on that particular Friday was the fish that was sold by the Fleetwood trawler there. This, as I say, is only one aspect concerning the fishing industry, but it is a very important one, and one that requires, in my opinion, the immediate attention of the Government.

**Mr. JOSEPH McBRIDE:** It appears to me that Deputy White and Deputy O'Connell do not exactly appear to remember that poaching is a very time-honoured profession. I do not blame these trawlers in the very least for poaching upon Irish grounds, when they get their chance. Poaching takes place in Scotland, where admittedly the place is well controlled and where there are thousands and thousands of native fishermen. There were 300 cases of poaching last year in Scotland. Poaching takes place in England also,

even where they have large numbers of local fishermen and where there is considerable amount of patrol work. I do not see why you should blame them. I would do it myself if I got a chance. I do not see why these men should be blamed for poaching along the coast where there is not a patrol boat nor a fisherman. It is the local fisherman we want to have in these places. If you have these local fishermen that will prevent poaching.

**Mr. O'DOHERTY:** I am not quite sure how this matter stands at the moment. Has Deputy White made a motion?

**AN CEANN COMHAIRLE:** He is merely drawing attention to the matter.

**Mr. O'DOHERTY:** Permit me, then, to support Deputy White's statement. As to his proposal, it is a different matter. He comes into my bailiwick and takes some of my best fishermen, but these are matters that we will settle. As far as I can understand, the proper course in this matter is that as we have a Minister for Fisheries, Deputy White could discuss the things with him in the corridor. There cannot be much harm in telling the Minister how matters stand and asking for his assistance. I do not think that this is a matter which the Dáil should trouble with; but if it is necessary that the Dáil should be troubled with it, and that this evil should continue, then I think Deputy White would be justified in drawing the attention of the Minister to it. That would be the proper way, and the matter might rest there.

**Mr. CONNOR HOGAN:** I rise, not to censure the Minister, but to outline a helpful policy. I believe a lot of this poaching could be prevented by greater efficiency and more watchfulness on the part of the patrol fleet. If their numbers are insufficient to deal adequately with the situation and patrol the coast, why not increase the numbers of those boats? I believe that the Dáil would readily grant the requisite amount for a larger number of those boats. The best argument to put against those poachers would be to fine them severely, to confiscate their trawlers

[Mr. Connor Hogan.]

and their catch, and, if possible, give them a term of imprisonment. There is something more. It will be readily admitted nowadays that the line of territorial waters under International law extends to only 3 miles, and that is not at all adequate under modern conditions. We have, as it happens, a League of Nations. For what I am going to suggest there is a precedent. The Americans, at the present time, are searching ships and detaining them outside the 12 miles limit for rum-runners. Is not there a sufficient analogy between the American case and ours, and is it not feasible that we should extend our territorial waters to a 12 miles limit? I was never a believer in giving something for nothing. I would rather the Irish people would not be placed in the position of a Don Quixote. The League of Nations should give us some return for the hard cash they receive, and the head of the Government should apply for an extension of the territorial waters to 12 miles.

**Mr. McGOLDRICK:** I wish to join the Deputies in the complaint made as regards poaching. Some of the Deputies are rather new to the subject. Most of us, or at least some of us, have been acquainted with it for some time back.

I know the Minister for Fisheries has been doing all he possibly can for a long time to give protection against poaching. But the question of the poacher is only one phase of the problem. The question of the development of the industry is still more important. In the past, tied as we have been to England, our coasts and harbours were always open to these trawlers while they fished outside the three-mile limit. As far as that was concerned they brought in their catches to the coast, but now when they fish in the same place they bring their catches to England. At the present time the fisherman's position is a very serious one. The outlook for him is very bad. It is growing gradually worse. While the Minister for Fisheries should take steps as drastic as he possibly can to stop poaching and to deal with the poacher, he should at the same time take action in order to assist and direct in some way in the development

of the fishing industry around the coast. If something is not done in that line, and done very rapidly, the position with regard to the fishermen is going to be more difficult than the position you have in the Metropolitan area at present, consequent on unemployment. The question of poaching only brings the general question of the Irish fisheries more strongly before us. They naturally resent the raids upon their fishing-grounds of steam trawlers who take away the fish that these fishermen require themselves and out of which they have always been making a living. At the same time, while they are all anxious for that, it is only one of their objectives at the moment, but the most necessary and imperative one is the development of the industry. I am sure that the Minister, when he gets his whole machinery working, will ensure that poaching will be dealt with and that all poaching will cease, at any rate as far as the three-mile limit is concerned. I ask the Minister to apply himself with the utmost energy towards the solution of giving people engaged in this industry a chance of looking to a future in which they can live, and not to have to depend upon relief for their very existence. That applies to a great number of people, because the coast line is big and a great many people are employed, and the Ministry should be very active in trying to apply some machinery to provide employment for the people in this industry and who are dependent upon the industry for their support.

**Mr. McFADDEN:** I happen to come from the coastline also. In the particular part of the country that I come from the complaint is not so much about the poaching. Their chief complaint is their want of proper gear for carrying on the fishing. Their gear at present is very much dislocated. What is wanted is a good supply of gear and a proper repair of the boats. In the year before the war they shipped 8,000 barrels of cured herrings to Russia. You would not get as many herrings to-day as would be eaten with a barrel of potatoes. I think the matter for Lifford and Falcarragh would be a proper supply of better tackle and improved boats. I appeal to the

Minister to help the Donegal fishermen in the way I have suggested, and then I promise they will hold their own.

**MINISTER for FISHERIES (Mr. Fionan Lynch):** I have listened with very great interest to what has been said on this subject, and I propose to deal first with the question that has been raised primarily by Deputy White on the adjournment. I have had several reports, as a matter of fact, with regard to illegal trawling along the Donegal coast. About a month ago I sent around there specially the *Helga*, which lay in wait at the north coast of Donegal for some time. It did not catch anything, as I expected it would not, because it is too well known, even though it operated with lights out that night. One of our patrol boats was around there, too. We caught one vessel, and a prosecution is pending. In addition to that we had in the last few weeks a report from a fisherman at Tory Island. We sent the report back for confirmation to our agent in Tory Island. I should tell Deputies that we always require confirmation for certain reports from that district. With regard to the Deputy's request for a report from the lightkeepers, these men do not come within my province at all, but I can get copies of their reports from the Minister for Industry and Commerce. The Deputy mentioned that patrol boats should be required to do their duty fearlessly, and suggested that there was ground for complaint against certain patrol boats. That may be quite well founded, and if it is so I should certainly like to have the facts. I am afraid my information from that particular area especially is to this effect, that a lot of the persons there, the inhabitants, and even persons who should be interested in the fishing, are doing far more "colloguing" than the staffs of the patrol boats. I have been several times informed that certain persons along the coast and on the islands along the Donegal coast are in the pay of these trawlers; that they afford them shelter and give them the tip, as it were, when a patrol boat or the *Helga* is coming along.

**Mr. WHITE:** They give them bribes of coal.

**Mr. LYNCH:** And something more,

perhaps. The point the Deputy mentions about Falcarragh is at the present moment being considered. With regard to Donegal generally, there is a boat station at Killybegs which will operate more on the northern portion of Donegal, for the moment from Lough Swilly. I had better, I suppose, not go into details as to how it is going to operate. Deputy O'Connell raised the question of prohibited areas. Normally, a prohibited area under International Law is what is known as the three mile limit. There are then certain bye-law areas. At the moment there are bye-law areas with respect to fishing. There is a bye-law, for instance, made by the Department of Agriculture. These bye-law areas really only apply to our own fishing boats, and to those, for the moment, of Great Britain. The foreigner can fish in these areas so long as he does not attempt to land his fish in this country or in Great Britain. That is exactly the legal position. At the moment we have no power, as a Ministry, to make bye-laws. We cannot do so until the Ministries' Bill is through. The question of further extending the three mile area is a matter for international convention. For the moment the Americans have extended theirs; they chanced it, as it were. The Russians did it before, but it did not come off, and the American action has not yet received international sanction.

**Mr. McCABE:** On a question of order, on this three mile limit—

**AN CEANN COMHAIRLE:** That is not a question of order.

**Mr. LYNCH:** Deputy Hogan raised the question of greater efficiency in the patrol service and of greater numbers. At the moment at any rate, once the additional patrol boats that are being available for us—they have not actually come under my control yet—but once they come under the control of the Ministry, that is to say, the four additional patrol boats, we will have sufficient numbers, and I think the patrol service then will be quite efficient. Deputy McGoldrick raised the question of general development. I think that is a matter that will come up under other matters; for instance, under the

[Mr. Lynch.]

Governor-General's address, and I think it need not be dealt with in detail here.

**Mr. WHITE:** I desire to thank the

Minister for his reply, and for the amount of trouble he has gone to in dealing with this matter.

The Dáil adjourned at 8.25 p.m. until Thursday, the 1st November, at 3 p.m.



# DÁIL ÉIREANN.

DÉARDAOIN IADH MÍ NA

SAMHNA, 1923.

(Thursday, 1st November, 1923.)

Do chuaidh an Ceann Comhairle i gceannas ar a trí a clog.

## CEISTEANNA—QUESTIONS. [ORAL ANSWERS.]

### SECONDARY TEACHERS' GRIEVANCES.

**LIAM MAG AONGHUSA** asked the Minister for Finance if he is yet in a position to say what arrangements are being made to carry out the promise made by his predecessor in the last Dáil to redress in part the financial grievances of the secondary teachers.

**MINISTER for FINANCE (Mr. E. Blythe):** I am in communication with the Ministry of Education on this subject, but am not in a position at the present moment to say what arrangements are being made.

### DUBLIN MONEY-LENDERS' RATE OF INTEREST.

**Mr. DARRELL FIGGIS (for Ailfrid O Broin)** asked the Minister for Home Affairs whether he will take steps to regulate the rate of interest which money-lenders may charge clients; if he is aware that, in the working class districts of Dublin, persons describing themselves as financiers are now lending three pounds three shillings to the wives of workmen, conditionally that they sign promissory notes to pay five pounds, at the rate of 5s. per week, and that failure to pay regular instalments in one case has resulted in threats to sell the contents of the borrower's room.

**MINISTER for HOME AFFAIRS (Mr. K. O'Higgins):** Money-lenders' transactions are regulated by the Provisions of the Money-lenders' Act, 1900. This Act enables a borrower to bring a money-lender before the Courts if it is considered that the rate of interest

charged on a loan is unduly high. Harsh and unconscionable transactions are provided against under the Act. The protection of borrowers is thus provided for and it is not considered that any more practicable machinery can be set up.

### A CLARE OUTRAGE.

**Mr. CONNOR HOGAN** asked the Minister for Home Affairs whether he is aware that a band of masked and armed men, travelling in a lorry and four motor cars, arrived at the district between Ennis and Quin, Co. Clare, in the early hours of the 30th ult. and carried away, with nine others, Messrs. James and John McCormack, Doora, to Fenloe House, where the kidnapped men were subjected to repeated floggings, as a result of which the lives of several of these men were in danger from the injuries received; to ask what steps, if any, have been taken in the matter.

**Mr. O'HIGGINS:** On Saturday night, the 29th September, a number of armed men, some of whom wore masks, arrived in a Ford motor lorry and carried away Messrs. James and John McCormack, of Doora, together with nine other men. Most of the kidnapped men have since refused to make any statement; but, from information supplied by certain of them, it appears that they were, as stated, subjected to repeated floggings with butts of rifles and revolvers, and questioned as to what they knew concerning the whereabouts of Mrs. Crowe, who had been kidnapped on the 23rd of that month. The attackers represented themselves as friends of Mrs. Crowe from England and spoke with English accents. The kidnapped men are unable to identify their attackers, and can give no information which might lead to their arrest. They were released on the 1st October, after Mrs. Crowe had returned to her home, and were warned not to communicate with the Garda Síochána or with the Army. Inquiries are still proceeding.

**Mr. CONNOR HOGAN:** I would like to ask the Minister if he credits the statement that they were friends of Mrs. Crowe from England, seeing that

[Mr. Connor Hogan,] she is a Unionist lady, and will he consider a written statement made to me by one of the prisoners?

**Mr. O'HIGGINS:** I will consider any statement or any information the Deputy will lay before me.

**Mr. CONNOR HOGAN:** All right

### **PUBLIC MEETINGS—OBSTRUCTION TO TRAFFIC.**

**MAIGHREAD NI CHOILEAIN BEAN UI DHRISCEOIL** asked the Minister for Home Affairs whether he is aware that very considerable inconvenience is being caused to the residents of the north side of the city, and to the people of Dublin generally, by the practice that has grown up of late of allowing the tram service to be held up during the progress of meetings in O'Connell Street, and whether he will issue instructions that no such meetings be allowed in future without a permit from the Chief Commissioner of the D.M.P.

**Mr. O'HIGGINS:** My attention has been called to the inconvenience caused by the dislocation of traffic during the progress of public meetings in O'Connell Street, and I hope shortly to introduce legislation which will enable police regulations to be made governing public assemblies.

### **IRISH SLATE QUARRIES DEVELOPMENT.**

**Mr. THOMAS O'MAHONY** asked the Minister for Industry and Commerce whether he is aware that Irish slate quarries have ample reserves of excellent slate rock for all Saorstát requirements; whether any steps have been taken

(1) To provide that in Government and Public Bodies' Contracts the slates used shall be procured from Irish quarries;

(2) to investigate and report on the possibility of quarries now working to provide such supplies;

(3) to consider the appointment of a Committee or Commission to investigate the methods of working and the output of these quarries, and of such others as have had to sus-

pend operations owing to indifferent support or insufficient working capital, with power to recommend subsidies or loans from Public Funds in favour of promising undertakings, and so provide much needed employment, and the development of an important industry.

**MINISTER for INDUSTRY and COMMERCE (Mr. J. McGrath):** The answer to the first part of the question is in the affirmative.

I am informed that the Ministry of Local Government specially provided for the use of Irish slates in the model specifications prepared by that Ministry relating to both urban and rural housing schemes, and that the Board of Works are taking steps to specify Irish slates in Government contracts wherever practicable.

I understand that evidence has been given before the Fiscal Inquiry Committee regarding the present circumstances of the slate quarrying industry in An Saorstát, and pending the receipt of the Final Report of that Committee a separate investigation, such as is contemplated in the question, would not be desirable.

**Mr. O'MAHONY:** I wish to say, with your permission, a Chinn Comhairle

**AN CEANN COMHAIRLE:** The Deputy cannot make a statement.

### **LONGFORD CO. COUNCIL ACCOUNTS.**

**Mr. PATRICK McKENNA** asked the Minister for Local Government when the accounts of the Longford Co. Council were last audited; whether the surcharges then made were collected; whether £80 was advanced to each of the Assistant County Surveyors for the purchase of motor bicycles, to be repaid by annual instalments of £10; whether any of the instalments due have been paid, and, if not, what steps it is proposed to take to collect the amount outstanding; when it is proposed to hold the next audit, and whether any action is contemplated, in view of the fact that the Council has not met since August last.

**MINISTER for LOCAL GOVERN.**

**MENT (Mr. J. Burke):** The accounts of Longford County Council were audited for the year 1920-21 in August, 1922, and the auditor furnished his report on the 14th of that month.

The surcharges he made have been appealed against, and are under consideration. Owing to the death of the auditor some special inquiries have been necessary.

Sums of £80 each had been advanced to each Assistant Surveyor for the purchase of motor cycles, repayable by annual instalments of £8 not £10 as stated in the question. During the audit those assistants who were in the employment of the Council, lodged the amounts due by them.

In the case of an Assistant Surveyor who had ceased to be employed, the auditor directed that steps be taken to recover the motor cycle for the use of the Council.

Notice of audit for years 1921-22 and 1922-23 has been issued.

**There does not appear** to be any failure on the part of the Council in the matter of holding meetings, and the next statutory meeting is due to be held on the 21st instant.

#### CLAIM FOR GOODS.

**Major BRYAN COOPER** asked the Minister for Defence whether he has received a claim from Mr. W. Wogan, 3 Richmond Row, Portobello, for goods taken from his house by Military on March 15th, 1923, and when it is proposed to investigate and settle this claim.

**MINISTER for DEFENCE (General Mulcahy):** A claim has been received from Mr. Wogan and it is at present under consideration.

**Major BRYAN COOPER:** Arising out of that answer, is the Minister aware that it has been under consideration for more than six months and can he give any hope that shortly the consideration will terminate and a decision will be arrived at?

**General MULCAHY:** The case is a very unusual one. The only piece of property which is actually in hands at the present moment is a typewriter. Instructions have been issued which will,  
Vol. 5.

I anticipate, secure the return to Mr. Wogan of the typewriter within the next two or three days. There are certain other articles which it is established were taken by the Military, and there is no reason why the full matter of settlement in respect of those articles could not be finished inside a fortnight. There are some other items which it is established were in no way interfered with or taken by the Military and in respect of those items I cannot say that any decision will be taken. The matter is at dispute, and the Minister for Finance may have something to say if it is to be considered at all.

#### COMPENSATION FOR DECEASED SOLDIER'S PARENTS.

**Mr. P. J. EGAN (for Mr. Patrick W. Shaw)** asked the Minister for Defence if suitable compensation will be paid the parents of the late Sergeant Major James McNamee, who was killed in the discharge of his duty, in Mullingar, on the 6th July, 1922.

**General MULCAHY:** The case of the late Sergeant Major James McNamee appears to be one for compensation and will be considered as soon as possible.

#### A COMMANDEERED MOTOR CAR.

**Mr. P. J. EGAN (for Mr. Patrick W. Shaw)** asked the Minister for Defence if he is aware that a motor car, the property of Michael McMunn, Stoneyford, was commandeered by military on 24th May, 1922, that the car was worth £350 0s. 0d., and is now a complete wreck, and if suitable compensation will be granted.

**General MULCAHY:** I am aware that Mr. McMunn's car was taken by military and has been returned. The question of compensation is at present under consideration.

#### WRITTEN ANSWERS.

##### DECEASED D.M.P. CONSTABLE'S DEPENDENTS.

**AILFRID O BROIN** asked the Minister for Finance whether he is aware that the late Constable E. Dunphy, D.M.P., when on duty at the General

[Ailfrid O Broin.]

Post Office, on Easter Monday, 1916, was taken prisoner and held captive for a week, and was wounded whilst escaping; whether he is aware that, as a result, Dunphy contracted an illness, resulting in his discharge from the Police Force on 2nd April, 1917, and in his death on 10th October, 1919; whether an Act was passed in 1918 under which the widow would have become entitled to a pension of £26 0s. 0d. a year, had her husband served in the D.M.P. up to 1918; whether, in view of the circumstances resulting in Dunphy's discharge before 1918, steps will be taken to enable the widow and children to come under the 1918 Act.

**Mr. BLYTHE:** I am not prepared to extend the provisions of the 1918 Act to cover cases not already within its scope (an extension which would require legislation), more especially in cases which arose during the British administration.

### EX-SERVICEMEN'S HOUSES IN CÓBH.

**TOMÁS DE NÓGLA** asked the Minister for Local Government if he can say when the Sailors' and Soldiers' Trust will commence the building of the 15 houses proposed to be erected in the Cóbh district.

**Mr. BURKE:** I would refer the Deputy to my answer of yesterday to Deputy O'Mahony on a similar question, and would suggest that in such matters of detail he would communicate directly with the Sailors' and Soldiers' Department, 30 Lower Fitzwilliam Street, Dublin, which is administered solely out of British funds.

### CUT IN CIVIL SERVICE BONUS.

**AILFRID O BROIN** asked the Minister for Finance whether it is a fact that according to the Cost of Living Report of the Ministry of Industry and Commerce for Mid-June, 1922, the Index Cost of Living figure in Mid-March, 1922, was 91.4, and whether it was 85 on the 1st September, 1923; if so, will he now say why the Civil Service bonus has been cut 4/26 during that period, while according to those figures the cut

for the period should only amount to 1/26.

**Mr. BLYTHE:** I must refer the Deputy to the reply given to his question of the 4th ult., in which I explained that Civil Service bonus is paid by reference to the average cost of living figure over a period of six months.

### QUESTION ON THE ADJOURNMENT.

### ARMED BRIGANDS IN COUNTY CLARE.

**Mr. CONNOR HOGAN:** I beg to give notice that on the motion for the adjournment I desire to raise the question of armed brigands in Co. Clare and the immunity they seem to enjoy.

### DAIL IN COMMITTEE.

### THE COURTS OF JUSTICE BILL, 1923.

### THIRD STAGE RESUMED.

**AN CEANN COMHAIRLE:** Progress was reported yesterday afternoon when amendment 23 to Section 78 had been disposed of.

Amendment 24 to Section 78 (**Mr. BEAMISH**) not moved.

**Mr. D. MORRISSEY:** I beg to move amendment 25:—

In Clause B (iii), page 16, line 7, after the words "in camera" to add the words,

"provided, however, that in any case of indecent assault upon a female person there shall be at least one woman present in court during a hearing in camera."

The object of the amendment is, as it states, to ensure that there should be at least one woman present in the Court during the hearing. There is no need to say much on the amendment; it speaks for itself.

**ATTORNEY-GENERAL (Mr. Hugh Kennedy):** I do not know whether it is proposed that a person should be there for hire or on voluntary terms. Is it intended that someone should be invited in from the road to hear the

case? As put in the amendment the thing is impracticable.

**Mr. JOHNSON:** Is it not a fact that in some Courts such a practice has already been established? I am given to understand that in such cases it is laid down as a rule that a woman should be present. I do not know whether it applies in this country, but I think that in England, America, and some other countries there is such a rule, and if it is found practicable there I have no doubt it will be found practicable here, too.

**ATTORNEY-GENERAL:** I can see the object of it, but the thing, as it stands, is wholly impracticable. It would really amount to having a wardress in court all the time. How far Deputy Johnson thinks that would be sufficient protection I do not know.

**Major BRYAN COOPER:** I think the Clause, as it stands; leaves no discretion or power to have a woman present in court. I quite agree that you could not send a wardress, because the District Court might be fifty miles away from a prison. As the Clause stands it says "the case may be heard in camera." It should be made clear that "in camera" does not exclude having a woman present in this court. Suppose a woman goes to court with her sister to support her, they should not be able to exclude the sister. I agree there is no compulsory power to have a woman in court.

**ATTORNEY-GENERAL:** On that line I think something might be done; that is to say, in preparing the rules of court dealing with the question of hearing such cases in camera, it could be provided that the person preferring the charge during the hearing should be entitled to have a female friend in court. I will consider the matter on that line.

**Mr. DARRELL FIGGIS:** Would not that require some addition to this particular part of the Section, and would not such addition be met by a change in the wording of the amendment from "shall be at least" to "may be at least"?

**ATTORNEY-GENERAL:** I think the rules of the court will quite adequately provide for that.

**Mr. JOHNSON:** I think if the Minister in charge of the Bill gives some assurance on that point, it will be satisfactory. The point of the amendment, I understand, is that it is within the discretion of the court to say that these cases shall be heard in camera, and you would have the person preferring a charge present in the company of a man hearing a case of this kind, and no woman present except herself, unless there is some rule or obligation that an opportunity shall be provided for a woman to be present during the hearing of the case.

**ATTORNEY-GENERAL:** It really turns on whether the words "in camera" are really exclusive, and would prevent a rule being made. I am not at the moment certain that they do, but I will consider it, and see whether the person preferring the charge would be enabled to have one woman present in court during the hearing.

**Mr. MORRISSEY:** Under these circumstances, I beg leave to withdraw the amendment.

Amendment, by leave, withdrawn.

**Mr. EAMON DUGGAN:** I beg to move amendment 26:—

"In line 27, page 16, to delete the words 'licensing cases' and to insert in lieu thereof the words 'granting certificates for spirit and other licences.'

Amendment put and agreed to.

Amendment 27 (Mr. Duggan) not

Question—"That Section 78, as amended, stand part of the Bill"—put and agreed to.

## SECTION 79.

There shall be transferred to the District Court all Jurisdiction which at the commencement of this Act was vested in or capable of being exercised by District Justices under the provisions of the District Justices (Temporary Provisions) Act, 1923, or under any Act now in force, and

also all Jurisdiction which at the commencement of this Act was vested in or capable of being exercised by the Divisional Justices of the Police District of Dublin Metropolis, and also all Jurisdiction which at the commencement of this Act was vested in or capable of being exercised by the Court of Conscience, and the provisions in Section 21 and 22 of this Act contained shall apply *mutatis mutandis* to the Jurisdictions by this Act vested in and transferred to the District Court.

**Mr. GOOD:** On behalf of Deputy Hewat, I desire to move the amendment standing in his name, and which is, to insert before Section 79 a new Sub-section, as follows:—

“ Provided that in the City of Dublin Justices shall sit for the hearing of Civil and Criminal cases as separate Courts and on different days, and shall have no jurisdiction in Criminal matters when sitting as a Civil Court, and *vice versa*. ”

The main intention of this new Section is quite obvious. The District Court under the new regime will be the present Metropolitan Police Court, and as we know, the business in these Courts, at the moment, is fairly congested, and if we are to add to that business a large number of debt cases that will arise in the District Courts, it is obvious that some arrangement must be made whereby the Civil cases will be kept separate from the Criminal cases, and that is the object of the amendment I now move.

**ATTORNEY - GENERAL:** This amendment deals with what would be a quite obvious matter of organisation of the business of the Court. I think the probability is the Justices will divide it amongst themselves, and that one will take civil cases and another criminal cases. It is a matter of arrangement of the business and of the rules. It is not a matter for this Bill, and in the drafting of the rules I undertake that that matter will be properly attended to.

**Mr. GOOD:** On this Rules Committee, as I understand it, there is no com-

mercial representative at all. Upon the original Commission which enquired into this matter and upon whose report this Bill is based, we had a commercial representative, and I would like to ask the Attorney-General if he would not now consider the necessity of having a commercial representative on this Rules Committee when considering these matters, which are of very great importance to the commercial community.

**ATTORNEY-GENERAL:** Of course, that will arise on Section 91, where the Constitution of the Rule-making Authority is dealt with. The Rule-making Authority is purely a legal body that deals with the matter from a point of view of the ordinary legal procedure and rules of court. These will be laid upon the Table of the Dáil when the full force of commercial knowledge will be, I take it, applied to examining and correcting them.

**Mr. GOOD:** I should think if it was necessary to have a commercial representative on the original Committee, it is obvious that the Rules Committee cannot be discharging work of greater importance than the original Committee had to discharge, and, therefore, I hold it is equally necessary we should have a commercial representative on that Committee if that is at all possible. I understand some similar question was raised yesterday.

**AN CEANN COMHAIRLE:** The Deputy can raise that point on Section 91 when we reach it.

**Mr. GOOD:** Quite so, and I accept the assurance of the Attorney-General, and I ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

**Mr. DUGGAN:** I beg to move Amendment 29—in line 42, after the word “conscious” to insert the words “or by a person acting as Justice of the Peace under the Towns Improvement (Ireland), 1854.”

The person who usually exercises that jurisdiction was the Chairman of the Town Commissioners, and in the drafting of the Bill the transfer of that jurisdiction from him was omitted.

**Captain REDMOND:** Before passing

from this might I ask who will be the person who is now to act in a similar position?

**ATTORNEY-GENERAL:** If the Deputy will read the Section he will see the effect is to transfer the jurisdiction of these peculiar Town Courts, that are only in operation in a few places, to the District Justices. That will have the advantage from the point of view of the Minister for Finance that the revenue from these Courts, which does not reach the State Treasury now, will reach it in future.

**Mr. JOHNSON:** Will the Minister say where it goes now?

**ATTORNEY-GENERAL:** It is applied purely locally. There is no stamp required, which is from one point of view an advantage, but a disadvantage from another point of view.

Question put and agreed to.

**AN CEANN COMHAIRLE:** Amendment No. 30 (Mr. P. F. Baxter) stands in the same position as 22 and 23.

**ATTORNEY-GENERAL:** It is in the same position as the amendments proposed to Section 78.

**AN CEANN COMHAIRLE:** Then amendment No. 30 is not moved.

**Professor MAGENNIS:** I beg to move Amendment 31 to add at the end of the Section the words: "nothing in this Section shall be construed to affect injuriously the status, salary and tenure of office of the existing Dublin Metropolitan Divisional Justices and the provision of Section 44 of this Act shall apply equally in the case of these existing Divisional Justices."

The Dáil will recollect that at the end of Section 70 yesterday we altered the wording to read that "the number of District Justices is not at any time to exceed 30" into "33" so as to include the three Dublin Divisional Magistrates; and the operation of this early Section has the effect of making the Divisional Magistrates District Justices. Now in this Section the jurisdiction vested in, or capable of being exercised by, the Divisional Police District of Dublin Metropolis and so on, is transferred, and the purpose of my

amendment is to secure that after and when these Magistrates take on the character of District Justices their present rights shall be safeguarded. It is an interesting fact that outside the City of London there are no other Magistrates of this type, and, in fact, the existence of these is the mark of the character of Dublin as a capital city of a nation. If in the interests of administration these changes are to be made I hope they will be made without affecting the status of the City Magistrates. I think the question has only to be brought under notice to be dealt with satisfactorily.

**ATTORNEY-GENERAL:** I do not know what the Deputy refers to, precisely, by status. The scheme of this Bill is to supersede all existing Courts by establishing other Courts in their places. The existing Dublin Metropolitan Magistrates, as such, will give way to the District Justices of the city. It would be inconsistent to say that their position is to be preserved in the way proposed in this Sub-Section. It is intended to propose a further clause in the transitory provisions which will enable any of these Justices or Judges, who are disqualified by reason of age in the Bill as it stands, to be continued, and suitable provision will be made there for that contingency. In the meantime, they have their existing pension rights, and their existing position which cannot be touched under the Treaty. It would be impossible to accept the amendment on the lines proposed.

**Professor MAGENNIS:** The point is this: that one of the three is the Senior Magistrate, and has a superior salary in consequence, and that all three will be simultaneously reduced to the same common level. The purpose of the amendment is to draw this under the notice of the Attorney-General. I quite realise that all the existing Courts are being replaced by those of a new model, and that that reform will extend to the City Magistrates' Courts inevitably. At the same time I think the peculiar position of these magistrates does require special treatment.

**AN CEANN COMHAIRLE:** If I

[An Ceann Comhairle.]  
might suggest it, Section 70 has been amended so as to delete all questions of salaries, and the question of the salaries of District Justices will have to arise separately. Could not this matter be raised when that question comes to be discussed?

**Professor MAGENNIS:** Yes, I am quite satisfied to withdraw the amendment.

Amendment, by leave, withdrawn.

Question: "That Section 79, as amended, stand part of the Bill," put and agreed to.

### SECTION 80.

"Provided that the Jurisdictions by this Act vested in and transferred to the District Court shall be exercised by the Justices severally as follows:—

"In civil cases, by a Justice for the time being assigned to the District wherein the defendants reside or carry on any profession, business or occupation.

"In criminal cases, by a Justice for the time being assigned to the District wherein the crime has been committed or the accused has been arrested or resides.

"In licensing cases, by a Justice for the time being assigned to the District wherein the licensed premises are situate."

**Mr. GOOD:** I beg to move the following amendment, which stands in the name of Deputy Hewat:—

In line 50, after the word "wherein," to insert the words "the plaintiff or," and at the end of the Section, line 56, to add the words "Provided that, if the case comes for hearing in the District Court where the Plaintiff resides, where a *bona fide* defence can be shown, the Court may transfer the hearing of such case to what appears to be a more convenient venue, having regard to the convenience of witnesses or any good considerations which may occur to the Court."

I am sorry that Deputy Hewat is not here. As you know, he is engaged at Geneva, and I am sorry he is not here

personally to move this amendment, because I feel that the insertion of the word "plaintiff" in this amendment strikes at what we may be told is the basis on which this Bill is built. We have been told in the discussions on this measure, that under this Bill the plaintiff has to follow the goods for payment, and all the difficulties under the Bill, if one may call them such, have been cast on the plaintiff in trying to recover his debt. The object of this amendment is to give some small assistance to the plaintiff in the collection of small debts in the District Courts.

Now, the position at the moment is this: Under this Bill, take the case of a debt over £20, which is for goods sold by a merchant in Dublin to a trader, say, in Wexford; if there is a disposition, as there is sometimes in Ireland, to get rid of liabilities, the merchant will have to proceed in the District Court in Wexford to recover his debt. That means that he will have to bring his staff and his witnesses there to recover a small debt. The merchant may consider, seeing that the debtor will be a local man and that the Court, possibly, will be composed of local people who will have more sympathy with the defendant than with the plaintiff, that it is much better for him to cut his loss in the case of that debt rather than to follow it, because, while he may recover the original amount of the debt, he may not succeed in recovering the costs, and thereby be at a disadvantage instead of at an advantage in proceeding in the District Court. That is the position under the Bill. Take the present position of such merchant who has a case for over £20. If the Wexford man fails to make payment within a reasonable period a writ can be issued in the High Court here and judgment marked in ten days for the amount of the debt, and he can also recover his costs.

You can see from the two cases that I have put before you the position of the merchant. Under the new regime, he will be more severely handicapped in the matter of collecting his debts than he is at the moment. Bearing on this point, let me read a paragraph from a letter which I have received within the last few days from a very large Association of wholesale mer-



chants in the city. They sent me the following resolution, of which I will only read a portion. The resolution states: "That the Judiciary Bill before the Dáil, if passed in its present form, will create a great hardship on merchants in Dublin owing to the difficulty in recovering debts throughout the country and the inconvenience and expense in sending witnesses to attend the hearing of Civil Bills in remote districts, and we respectfully submit to the Dáil that in the event of the Bill becoming law that merchants will have the right to elect to proceed in the High Court, and that the costs of such proceedings be allowed as heretofore."

I read that paragraph to show the feeling—because I think that fairly represents the feeling—which exists at the moment amongst a large body of the commercial community with regard to this Bill. It is with the object of giving some help to that large section of traders that this amendment is put forward by Deputy Hewat, who was a member of the Committee that dealt with this matter, on whose report the Bill is based.

**ATTORNEY - GENERAL:** I am anxious to intervene on this amendment, before it is further discussed, in order to deal with this point which has been persistently made in various quarters against the Bill. I believe that this particular criticism is largely due to people confining their reading to one or other comment, whether in speech or newspaper, instead of studying the text of the measure. Deputy Good has mentioned that at present one can proceed by a writ in the High Court and recover judgment in ten days. That is the procedure to which I referred yesterday—the procedure on affidavit in simple cases where there is no genuine defence. Let the commercial community take it from me, and from the Bill, that that procedure remains. They will still be able, in a straight case where there is no genuine defence, to move for judgment and have their judgment within ten days or so on a simple affidavit verifying the account. The only cases which proceed are those in which the defendant has not been able to disclose to the Court a genuine defence to the claim. In some of these

the defence is a matter of accountancy. In that case the Court commonly sends the account before an official of the Court to have the account examined, and if the matter still remains in doubt it comes back on some point before the Court to decide. That procedure will remain.

But I must say this: some of the people who are very anxious about this particular procedure are anxious because they see a particular form of revenue, which I think has not been justified, disappearing. It has been the practice—I consider to an unjustifiable extent—to issue writs in the High Court for small debts of from £5 to £10 and so on, and recover judgment with full High Court costs—the costs that are allowed under the High Court rules. Certain persons in Dublin have found that a very profitable source of revenue. In future the High Court—if it is the Court in which the application is made for this summary judgment—will consider whether the application should not have been made in the Circuit Court and, inasmuch as the application can be made on an affidavit without witnesses, there is no reason why it should not be made in the Circuit Court and at the Circuit Court rate of expense to the defendant who is mulcted. The general principle of this amendment cuts across a well-established principle that the venue should be laid where the defendant resides. We have not heard in any of the discussions on these various Sections any reason why that principle should be dislodged. The only argument has been an argument which, as I say, is founded upon an erroneous reading of the Bill. It will still be possible to recover in cases where there is no real defence on a simple affidavit and get judgment within as short a period of time as at present.

**Major COOPER:** If there are misunderstandings as to the Bill, and I think there are, those misunderstandings are very largely the fault of the Government themselves, because on the Second Reading the President did not give any general sketch of the scope of the Bill. If the Attorney-General had been in the Dáil and had been able to make the statement he

[Major Cooper.]

made to the Press on the Second Reading of the Bill these misapprehensions would not have arisen. We are a House very largely of laymen—the world outside is largely composed of laymen—and it is very hard to read a long and complicated measure of this kind and take in every detail. The Government should have treated the Dáil to a fuller exposition of the principles of the Bill and shown exactly how the business community would be affected by it. Business people have had a very bad time. Business in the city of Dublin has suffered enormously in the last two or three years, and the business community are naturally apprehensive of anything that will disturb trade further, and their apprehensions have a right to be met. I think what the Attorney-General has stated, both on this amendment and in his statement to the Press, will reassure them. I think that some of the President's statements in reply to amendments I have moved have also tended to reassure people. It was because the Government in the first instance did not fully meet their responsibilities in explaining the Bill to the Dáil and the country that these misapprehensions arose.

**Mr. GOOD:** Do I understand from the reply of the Attorney-General that in a case where a defence is put in as against a writ issued in the High Court the case must go to the District Court to be decided? If that is the position, there is practically no use in saying that the plaintiff has the same redress as he has at the moment, because if it is only necessary to enter a defence in order to bring a debt to the District Court, and to bring a plaintiff with his witnesses and his staff down to some distant part of the country, then a defence will be entered in every case where a writ is issued, and in all cases the matter shall be heard in a District Court with the result I have mentioned.

**ATTORNEY-GENERAL:** No, the practice now, and I see no reason to apprehend that it will be changed, is that if a defence has been actually filed before the hearing of a motion for summary judgment the nature of the de-

fence is examined by the court. It has to be substantiated by the defendant on affidavit, and unless the court is satisfied that it is a genuine defence, and there is a case to be fought out, the court gives judgment. If the defence appears not to be a genuine defence, and that the defendant's affidavit in support shows that it is of no substance, then the court gives judgment, and that, of course, purely on affidavits, and without the attendance of witnesses.

**Mr. DARRELL FIGGIS:** I think it will be agreed that the Attorney-General's statement has allayed a great deal of the misgivings that were felt, due to a misreading of the Bill, a misreading that was perhaps natural under the circumstances, and which, as Deputy Cooper has stated, could have been dispelled had the Government realised its responsibilities earlier. So far as that element of it is concerned I leave it. But there is a further case that I would like to bring to the Attorney-General's attention, which has been urged upon me by influential circles in this city, and is one, I think, to be very carefully considered. Assuming that an adequate defence is entered in a case, such a case would be carried down to the local court. The Attorney-General justifies that procedure on what he claims to be a well-accepted principle, that the case should follow the goods—that the case should be heard near the defendant rather than near the plaintiff. It is in respect of that that I wish to put this consideration before him. Let us assume, and the assumption is a very natural one in the circumstances, that in the given case 75 per cent. of the documents that are required and 75 per cent. of the witnesses that it will be necessary to bring into court are to be brought from the plaintiff's side. Why then should not the case be heard in the plaintiff's city rather than in the defendant's town? It would create a great deal less inconvenience, it would be a great deal less expensive ultimately for both sides, and would lead to a quicker and better administration of justice.

One particular case that has occurred within quite a short time was brought to me as an illustration, where it would

have meant the taking down of very costly ledgers to a remote town in the west. Clearly, if there is to be a great deal of removal of persons or of documents it would be better that the case should be heard where that removal would cause both sides the least amount of inconvenience. Behind the case that has been made, I put it to the Attorney-General, that the court should have the option, even where an adequate defence is entered, if it be for the lesser inconvenience of all parties concerned that a case should be heard in the city of Dublin rather than in a local town, of causing the case to be heard in Dublin rather than removing all books and persons some distance into the country.

**Mr. JOHNSON:** I just want to put in a word in favour of the plan, which, as I understand is in the Bill, that the plaintiff must sue in the place where the defendant lives. I have confessed my ignorance of these legal matters very often in the Dáil, but looking at the matter plainly from the common-sense point of view, it seems to me that the debtor in the remote districts has been pressed to buy by the central selling organisation in Dublin. In nine cases out of ten the selling organisation has pressed the defendant to purchase, and I contend it has the responsibility that that pressure involves. The plaintiff should therefore sue, if it is a case for suing, at the place of residence of the debtor. One can quite understand that the big central organisations, the big wholesale merchants, would very much rather arrange that some firm like Stubbs or some of these other debt collecting agencies should do the job of debt collecting in a wholesale way, and do it cheaply and throw the onus of big expenses upon the defendant. Notwithstanding the fact that I represent a Dublin constituency I am prepared to stand for the rights of the poor debtor as against the rights of the big wholesale merchants in the city of Dublin, and it seems to me that is the issue in question between this amendment proposed by Deputy Good and the Bill itself. I cannot enter into any of the technical discussions as to the procedure, but apart from the question of procedure, it seems to me that the purport of the amendment and the object

of the criticism directed against the Bill is to facilitate the big wholesale merchants in Dublin to sell in the country parts to the disadvantage of the country traders, and at the expense, when a dispute arises, of the poorer debtor.

I believe that the small debtor ought to be protected in this Bill as against the big wholesale merchant.

**Mr. GOOD:** May I point out, before the Attorney-General replies, that I do not think what Deputy Johnson has outlined will exactly follow. In a great many of these cases the customer writes from the country to a wholesale house to supply him with so-and-so, and as a result of fulfilling that order trouble arises in collecting the debt. In some cases there is a certain amount of anxiety on the part of travellers to secure orders, and to that limited extent Deputy Johnson is justified in his view, but what will be the result of putting this difficulty in the way of the wholesale houses from collecting debts from the small debtors? The wholesale house will come to the conclusion, in view of the cost of litigation, that it is unwise to risk the collection of small debts and will cut them off. The small shopkeeper, having had the advantage of buying from wholesale houses, will be unable to buy in the future, and will have to buy from a larger house than his own, in, possibly, his own town. Thereby the cost of the article is increased to the small trader and, as many of the customers of these small traders through the country are of the working class, it is obvious that by the action of this particular clause in the Bill, the price of the goods will be increased to the poor people, and the cost of living will be raised thereby.

**ATTORNEY-GENERAL:** I cannot accept the last pronouncement of Deputy Good. I do not know what the position would be if Deputy Figgis's suggestion of the plaintiff city were accepted as the city of trial when, from another point of vantage, in this Dáil, I find that the city he was most concerned with was the city of Manchester.

**Mr. DARRELL FIGGIS:** I would

[Mr. Darrell Figgis.]

like if the Attorney-General would state exactly when he dis-  
4 o'clock. covered that solicitude of mine. Seeing that I based the case I made at that time on special Irish grounds, and inasmuch as action was taken by Manchester merchants to insert a clause derogatory to our Courts, I protest strongly against the perversion of my argument, and seeing that the Attorney-General was present, or was at least in the precincts of the Dáil, I cannot help saying that this was a deliberate perversion.

**ATTORNEY - GENERAL:** I am afraid it must have been due to the less advantageous position in which I then was that I misunderstood the Deputy. I am not greatly impressed by this matter of ledgers. In the first place, if there is a genuine defence, it is important that the ledger should be produced in Court. I have often seen in the country claims ruled out, when the ledger was produced, under the Tipling Acts, Truck Acts, and so forth. The modern system of ledger lends itself to conveyance, even in parts, to various districts in the country because, I think, the loose-leaf system of ledger has established itself in all the big commercial concerns which seem to be concerned in this particular matter.

Perhaps, I may further allay the anxiety of Deputy Good in this respect. When motions for summary judgment are made to the court it is a common procedure on the part of the defendant, if he has a show of defence, to serve a cross-motion to have the hearing of the action transferred to his own venue. One of the considerations which under the existing rules, and presumably under the new rules, the court must look to is the comparative cost and convenience of hearing in the local venue as compared with the hearing in the Dublin venue. I really think that all the points which have been made by Deputies in the supposed interests of the commercial community are really covered either directly or indirectly in the Bill. They will still have their summary judgments. They will still have the question of comparative cost and convenience considered when the

question of the transfer of hearing arises, and it will be open to the High Court or the Circuit Court to have the hearing in Dublin or locally as these considerations affect the mind of the Court.

**Captain REDMOND:** I would like to ask the Attorney-General one point. I had an amendment down to Section 49. It was to insert a new Section before Section 49. The amendment was in effect that where there was an action pending in the Circuit Court which might have been commenced in the District Court, any party to the action might move to have the action removed to the District Court. I understood the spokesman of the Government to say that that was already provided for in the Bill. Be that as it may, I would like to ask the Attorney-General whether, supposing an action was pending in the District Court, it would be possible for any party to that action to ask to have it sent forward or transferred to the Circuit or to the High Court. It is for information I desire to ask this question.

**ATTORNEY-GENERAL:** I will not say at the moment that it is actually so, but I will examine the provision as it stands and see whether it is possible to transfer to the Circuit Court. I think the power of transferring these very small cases to the High Court should be of the most restricted character.

**Captain REDMOND:** I am very much obliged. Perhaps when the Attorney-General is looking into this matter he might have regard to this amendment put down to Section 49, and assure me it is provided for in the Bill.

**AN CEANN COMHAIRLE:** Leave is asked to withdraw amendment 32.

Amendment, by leave, withdrawn.

**Mr. DUGGAN:** I move in line 50, in Section 80, to delete the words "defendants reside or carry" and to insert in lieu thereof the words "defendants or one of the defendants ordinarily resides or carries." Obviously there is a case in which all the defendants will not reside in one district, and the object is to provide for such cases.

Amendment put and agreed to.

Question—"That Section 80, as amended, stand part of the Bill"—put and agreed to.

### SECTION 81.

A Justice of the District Court shall sit once a week, if requisite, in a special Court in the City of Dublin, to be called "The Children's Court," and shall deal with such charges against children as he may consider to be of a trivial nature in such manner as may seem just. Children herein shall include young persons of either sex under the age of 16 years.

**Mr. O'CONNELL:** I move, in Section 81, to delete the words in line 58 "City of Dublin" and to substitute therefor the words "Cities of Dublin, Cork, Limerick and Waterford." The effect of it is that a Children's Court should be set up in Cork, Limerick and Waterford, as well as in Dublin. The provision is only made for the setting up of a Children's Court in Dublin. It is highly desirable that all charges against children should be held in a special Children's Court. The probability is that it would create difficulties at first. I think it would be highly desirable to extend the provisions of this Section to the other three cities mentioned. Those Courts are specially desirable in cities where very many of the offences arise from street trading and matters of that kind, and I urge that the provision should be extended to those other three cities.

**ATTORNEY-GENERAL:** I agree with the Deputy that this is a matter affecting the city population, or a large town population particularly, and it is, perhaps, not justifiable to confine it to Dublin. Of course, we have not been able to develop the subject of the Children's Court beyond the point shown in this Bill, namely, the providing a hearing for cases against children in special surroundings other than the formal courts and have them dealt with in a paternal rather than a judicial manner. I am prepared to accept the amendment of Deputy O'Connell, applying that

provision to Cork, Limerick and Waterford, as well as Dublin.

**Mr. GOOD:** Might I point out that in places even apart from these large cities it would be very desirable if any arrangements could be made, when it is necessary to bring children and their mothers to court, whereby there should be the absence of any connection with the criminal proceedings in this court, so that there should be no mixing up of criminals and children and their mothers in the same court. If separate courts cannot be provided in small towns, separate days and hours should be at least provided.

**ATTORNEY-GENERAL:** I do not think it is feasible to do anything on so wide a line at present, as Deputy Good suggests. The problem is, of course, a very difficult one. If one were to deal with all cases of a criminal character in which children are involved it would become an extremely difficult matter, but at present we are dealing simply with a case where children have charges preferred against them. I understand that the District Justices are, wherever possible, trying to deal with children's cases apart from other cases. I have spoken to a number of them on the subject, and I believe they are actually doing so, but it is not possible to make any provision here save in respect of these cities.

**Mr. GOOD:** Of course, it is only trivial cases we are considering. I take it that some of the charges dealt with here would be where schools have not been attended. Surely in such cases it would be highly undesirable that the children should mix with criminals in the same court.

**Mr. D'ALTON:** I think what we might ask the Attorney-General to do in this case would be, as far as possible, to see that the procedure he has stated, as taking place in some courts, would be adopted in all courts. I am aware of the fact that in my particular district the District Justice brings all these children into what was formerly the magistrates' room and deals with them previous to the other court proceedings.

Amendment put and agreed to.

**Mr. JOHNSON:** I beg to move:—

To delete all after the words "deal with," in line 59, down to the words "just," line 61, and to substitute therefor the words:—

"charges against children in any case which he may consider, by reasons of the age of the child, or of the nature of the charge, should be dealt with in a Special Court, and shall deal with such charges in such manner as may seem just."

The object of the amendment is practically to extend the authority of the Children's Court to cases which may not be of the trivial nature referred to in the Section, as drafted, but even more important cases, at the discretion of the Justice. The reason for removing the child from the atmosphere of a criminal court is, I think, just as great when the charge is more serious than contemplated in the Bill and designated to be of a trivial nature. If there is a more serious charge it is still desirable, I submit, that the atmosphere of the criminal court should be avoided where possible, and the object of the amendment is to give the discretion to the Justice to say that by reason, either of the age of the child or the nature of the charge, the case shall be dealt with in a special court;

And shall deal with such charges in such manner as may seem just." That is, of course, the phraseology of the amendment, as it is drafted. The real change suggested is that the discretion of the Justices should be used as to whether it is the kind of case that could be dealt with in a Children's Court, and not to confine it to a case of a trivial nature. I hope the Attorney-General will agree to accept this amendment.

**ATTORNEY-GENERAL:** I am inclined to agree that the word "trivial" is not a very happy one. I will undertake to consider the amendment or some other form of words that perhaps would meet the case better than the word "trivial."

**Professor MAGENNIS:** In connection with this matter, I would like to remind Deputy Johnson that the clause to which his amendment applies in-

tends to carry out the recommendation of the Judiciary Committee, as set out in page 14. There, what is recommended is that on one distinct day in a separate court charges preferred against children shall be heard. I perhaps misunderstood Deputy Johnson to suggest that it should be in the discretion of the Justice whether he would hear a case when it came forward, in this particular way, or not. But the clause of the Bill is better in that respect, because it provides for a special day and a special sitting in a separate court, but the words used in the Judiciary Committee Report are better than the word "trivial." They are: "Except those of an aggravated or heinous nature." What to me is more important still is why the recommendation of the Judiciary Committee is not followed here: "The court to be separate and disconnected from the Police Courts"—this is the case of the Dublin City jurisdiction—"And the presiding Justice to be one or other of the two Junior Metropolitan Justices, with an assessor selected from a Panel of women who consent to act." That, at the time that I first studied this important Report, struck me as exceedingly valuable, and yet, for some reason, not explained, it is omitted from the Bill. It seems to me that when the clause in question is being reconsidered, to meet Deputy Johnson's suggestions, the opportunity should be afforded for considering the Judiciary Committee's suggestion as we

**Mr. JOHNSON:** I would like to make clear to Deputy Magennis that if the amendment were to be adopted as drafted the Section would read: "A Justice of the District Court shall sit once a week if requisite in a special Court in the Cities of Dublin, Waterford, Cork, and Limerick, to be called 'The Children's Court,' and shall deal with charges against children in any case which he may consider by reasons either of the age of the child or of the nature of the charge, should be dealt with in a Special Court, and shall deal with such charges in such manner as may seem just." The Special Court will be maintained; the only change that will take place is that the charges

may be more serious than contemplated in the Bill as drafted and yet may be dealt with in the Special Court.

**Mr. WOULFE:** I sympathise entirely with what Deputy Magennis and Deputy Johnson said with regard to separate courts for children. I think not only should there be separate courts in the big towns and cities, but also through the country. I have a long experience, of between 30 and 40 years, of jurors' and grand jurors' work in county towns, and I have been shocked, beyond measure, on many occasions, by seeing children brought for trial before crowded courts, upon cases varying from trivial things to very heinous offences. I thought long ago, and I think still, that it has a most demoralising effect on them and on their after life. I thoroughly sympathise with this, and I think not only the towns but the country districts should have a chance of having separate courts for children. It is in the interests of the nation. After all, we look to the children to carry on the traditions of the nation. If they are demoralised what can we expect?

**Mr. JOHNSON:** As I understand the Attorney-General is prepared to consider some alteration of the clause which will embody the ideas expressed, I beg leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Question put: "That Section 81 as amended stand part of the Bill."

Agreed.

## SECTION 82.

A Justice of the District Court shall have power to make such orders under Section 6 of the Debtor's Act (Ireland), 1872, and any Act amending the same for the enforcement of any decree of the District Court as may seem just.

**Mr. GOOD:** I beg to move the amendment standing in the name of Deputy Hewat:—

To insert before Section 82 a new Section as follows:—

"Where any documents which would, if duly proved, be admissible

in evidence are produced to the Court from the proper custody, they shall be read without further proof if in the opinion of the Judge they appear genuine and if no objection is taken thereto.

If the admission of any documents so produced is objected to the Judge may adjourn the hearing for proof of the documents and the party objecting shall pay the costs caused by such objection in case the documents are afterwards proved, unless the Judge otherwise orders."

I moved a similar amendment yesterday to the clauses dealing with the Circuit Court, and the Attorney-General on that occasion was unable to agree with the object of this new Section, but I think the Section applies with much greater force in the District Courts where the sums are small, and where it is very desirable that the expenses of recovering them should be kept as low as possible. I would ask him if something could not be done to meet cases here outlined in the District Courts. It was pointed out yesterday that it was possible to deal with these documents in another way, but of course that would mean an action or motion in another Court, which possibly would be out of all proportion to the expense involved. The intention of this proposal is fairly clear: In the case of a letter or some document of some importance being produced, and which satisfies the Judge with regard to its genuineness, he should have the power to admit that document as evidence without the necessity of calling for proof of that document, as I understand is the custom. I say that procedure would apply with particular force in the case of the District Court where the sums are small, and where it is exceedingly desirable, for the reasons I have stated in another clause, that the expense should be kept down, and I would be glad if the Attorney-General could see his way to accept these proposals in connection with these Courts.

**ATTORNEY-GENERAL:** The amendment, as it stands, I think cuts into the law of evidence in a way that it is difficult at the moment to estimate, but as regards the suggestion I made yesterday, I see no reason why that should

[Attorney-General.]  
not apply to District Courts as well. I take it that in suggesting this method of admitting documents the Deputy is only referring to civil cases and not criminal cases.

**Mr. GOOD:** Civil cases.

**ATTORNEY-GENERAL:** But the amendment is not so qualified. The Deputy must have misunderstood me yesterday, because I did not intend to convey that a motion is required in any court for the particular procedure to which I was referring. A document can be made the subject of notice to admit without any motion under the existing rules of the High Court. It is a matter of form. A printed form is served, and in the schedule to that form is set out the documents and the other party is compelled to bear the costs of proof, if he does not succeed. I see no reason why that procedure should not be applied by the rules of the District Court to civil cases in the District Courts also. That is the best way to provide for it.

Amendment, by leave, withdrawn.

**Mr. GOOD:** I move the following:—

To insert a new Section before Section 82 as follows:—

“Wheresoever any District Justice shall in any proceedings brought under and by virtue of this Act grant a decree, dismiss or order the same shall be with such costs as are provided by this Act.”

This amendment is of a similar nature to the last. I understand that the clause, as proposed, is taken entirely from the present Civil Bill Act, which, of course, applies to smaller cases of debt as will come under the jurisdiction of the District Court. I am told by those who have a good deal to do with debt collecting that it is very desirable that the decrees, dismisses, or orders, shall be with such costs as are provided, and they shall be embodied in the Act. I am told it is of great advantage in the Civil Bill Act, and it will be looked upon by the large section of the community dealing with commercial matters as a great advantage if incorporated in this Bill.

**ATTORNEY-GENERAL:** That particular Act does provide for costs, and

this amendment which, referring to this present Bill, says “shall be with such costs as are provided by this Act,” will hardly do, because this Bill does not provide for costs. It provides that costs shall be the subject of rules, and consequently this amendment could not apply.

**Mr. GOOD:** Is it then the rule-making authority that will deal with this?

**AN CEANN COMHAIRLE:** Yes.

**Mr. GOOD:** That being so, I am satisfied, but this being already enacted at the moment, one thought that there should be some strong reason why it should not appear in the new Act.

Amendment, by leave, withdrawn.

Motion made and question proposed.  
“That Sections 82 and 83 stand part of the Bill.”

Agreed.

#### SECTION 84.

A Justice of the District Court shall (if requested by any party to any proceedings before him unless he consider the request frivolous) and may (without request) refer any question of law arising in any case before him to the High Court for determination, and the determination of the High Court thereon shall be final and conclusive and not appealable.

**Mr. GOOD:** I move: To insert before Section 84 a new Section as follows:—

“Any action in the District Court may be registered as a ‘*Lis Pendens*’ and the judgment in any action for any sum exceeding £20 over and above costs may be registered in the Central Office of the High Court in like manner as Actions and Judgments of the High Court.”

The object of this amendment deals with the rights of registration, which are obvious, and which need no remarks of mine.

**ATTORNEY-GENERAL:** I do not know who is responsible for suggesting that actions of the District Court be registered as a *lis pendens*. It cannot have been any person who really understood what *lis pendens* is. The process of registering a *lis pendens* is one which relates to land. It enables actions which deal with land to be registered so that



if a person is about to buy land, he has to ascertain whether there is any *lis pendens*; that is to say, whether there is any pending action affecting the title. The person is put upon search as to whether there is any *lis pendens*. There is no object whatever in registering for little actions for debt as a *lis pendens*; it would have no purpose. The only things now registered in the High Court or anywhere else are actions for specific performance of a contract, a sale of land, probate actions affecting land, in some cases matrimonial suits where alimony is granted against land, or administration suits.

**Mr. GOOD:** Under the new procedure will there be any registration of judgments?

**ATTORNEY-GENERAL:** Do you mean registration of judgments by way of a judgment mortgage? I do not know whether the Deputy is referring to registration for the purpose of subsequently converting the judgment into a mortgage against land. If so, that procedure can be made applicable to the judgment of the District Court where it exceeds £20. I do not know what other purpose of registration he has in mind.

**Mr. GOOD:** At the present moment there are registrations of judgments which are very useful to the commercial community, and we want to know under the new regime will there be any similar registration. Of course, as the Attorney-General can understand, they are very useful in matters of credit.

**ATTORNEY - GENERAL:** Perhaps the only other form of registration would be for the purpose of bankruptcy. Under the present law a judgment must be registered within 21 days of its having been obtained in order to be made effective in bankruptcy. That is under the bankruptcy law. If I knew what exactly the Deputy was pointing to—

**Mr. GOOD:** At the moment it is possible to register a judgment for debt, and, of course, that is useful to the commercial community. It guides them as to whom they will give credit and to whom they will not give credit. I was anxious to know under the new regime will there be any similar registration.

**ATTORNEY-GENERAL:** I take it, it is for the purpose of two well-known Gazettes. Do I understand that is the purpose of registration that the Deputy has in mind?

**Mr. GOOD:** Yes. Might we know, under the new regime, whether it would be possible to have that information obtained even by those two bodies and circulated among the commercial community?

**ATTORNEY-GENERAL:** Yes.

**Mr. GOOD:** That is all I want to know.

Amendment, by leave, withdrawn.

Amendment by **Mr. P. HOGAN:**—

“ To insert before Section 84 a new Section as follows:—‘ In any proceedings against any person in the District Court in respect of an offence triable by such court, the accused, or his or her husband or wife (as the case may be), shall be competent but may not be compelled, to give evidence.’ ”

**PADRAIC O h-OGAIN** (An (‘lár):  
Ba mihian liom an leas-rún seo do chur os comhair na Dála. Uaireanta thuitcann sé amach nach mbíonn acht beirt duine a thabhairt fiadhnais i gcúis éigin sa (‘húirt agus do réir an t-sean-fhoela, bíonn dhá imsin ar gach sgeul. Ba cheart go dtabharfaí an oiread aire do sgeul aon fhir amháin agus a d-tabharfaí do sgeul an fhir eile.

In moving this amendment I am merely asking the Dáil to sanction a very old principle of justice, that is, hearing all sides involved in a dispute. It does not require much knowledge of things in general to know that often cases will arise where there will be only two people capable of giving adequate or accurate information to a court, and in these cases where it is proposed to set up courts and where cases will be decided without any jury, there is the danger that if you concentrate on one side of the evidence you will very often lose your proper perspective. You will have before the court, plaintiff and defendant, or accused and accuser, and if you hear one side and neglect to hear the other you will be giving an unfair advantage to one and you

[Pádraic Ó h-Ogain.]

will not do justice to the side of the accused. I do not know whether it is an advantage to say that this principle has been accepted across the water, but whether it is an advantage or not the fact remains that it is an accepted principle in other countries; even the English Military Courts accepted it during the Reign of Terror here, when the accused were entitled to give evidence on their own behalf. The legal luminaries opposite indicated a little while ago that it enabled the Judges in arriving at a decision to examine the accused, and to ascertain from his demeanour whether he was telling the truth or not. From that point of view it would be to the advantage of the Judge to hear the second side of the case. If I understand the function of a Court of Justice aright it is to secure the maximum amount of information for the Court, so as to give the maximum amount of justice, and I, therefore, consider it is to the advantage of the Judge and of the Court to have the maximum amount of information, and so be in a position to give the maximum amount of justice.

**Captain REDMOND:** I think that Deputy Hogan has done a great service by proposing this amendment to this particular Section. I also think that it is a great pity that both he and others of us Deputies overlooked this principle before, and did not propose it in regard to the previous portions of the Bill. This principle here enunciated should, if adopted with regard to District Courts, certainly be adopted all through the legal system. The proposed amendment raises a much larger question than appears upon the face of it. In this Bill we have already adopted the Court of Criminal Appeal from across the water. It was only quite recently enacted there. It met with considerable opposition at the time it was proposed. However, it seems to be working satisfactorily now. We did not adopt in this country the principle that an accused person should be entitled to give evidence himself in all cases, nor that his wife (or the husband, as the case may be) should also be entitled to give such

evidence. Now, I think that it would be very advisable, indeed, if the Attorney-General would consider the possibility of inserting, if not at this stage of the Bill, or in regard to this particular Section, a similar Section to that embodied in the Criminal Evidence Act which now obtains in England. There it is possible for an accused person in a criminal case to give evidence. He is not compelled to do so, but it is thought that in the interests of justice it is advisable that he should not be prohibited from doing so. Therefore, I would urge upon the Attorney-General, at least, the advisability of seriously considering whether in this Bill we could not at some stage, not necessarily this one, embody the principle of the Criminal Evidence Act which now obtains in England, as we have already embodied the principle, and actually have set up a Court of Criminal Appeal which obtains there now, and which has not until now been brought into existence in Ireland.

**ATTORNEY-GENERAL:** Deputy Redmond has stated that this matter was overlooked by the Deputies up to this. I am happy to be able to inform him that it has not been overlooked by us because we have a Bill under consideration at present which I hope will be introduced fairly soon, containing this principle which in present circumstances is, I think, a beneficial reform. The extension of the Act for enabling prisoners to give evidence to Ireland, was for many years opposed by Mr. Redmond and others at Westminster. It was at that time properly opposed.

**Captain REDMOND:** Give the reason.

**ATTORNEY GENERAL:** Because the manner of prosecutions at that time and the general atmosphere of prosecutions were of such a character that it was not considered advisable that prisoners, particularly political prisoners, should be subjected to what they would have to face in the witness-box. I hope we have changed the atmosphere and manner of prosecutions. I think that we have. We certainly have tried. For my part I have, in dealing with various persons responsible under me for prose-

cutions through the country, told them frequently that their programme is not to bag the largest quarry possible, but to administer justice fairly and equitably. I think that with the new atmosphere, and the new manner of prosecution that this particular reform is now ripe. A Bill will shortly be presented to the Dáil providing for it with such safeguards as would be proper in relation to such a matter. I consequently suggest that the amendment should be withdrawn in this Bill as it is not a proper subject nor a proper way to achieve what the Deputy desires.

**Mr. JOHNSON:** I would like to say that the fact that this amendment only deals with the District Courts and might well have been inserted in some previous Sections in reference to the higher Courts was not through advertence. We felt that there were technical difficulties, that we were not perhaps in a position to deal with; and that such amendments as Deputy Redmond thinks ought to have been suggested, would better have come from those who are able more effectively to deal with them with a full legal knowledge. We thought that if the District Courts were put into the position of receiving evidence from an accused person that it might very rapidly lead to a similar reform in regard to the higher Courts. I think that Deputy Hogan will gladly agree to the withdrawal of the amendment on the promise of the Attorney-General that this reform is under consideration with a view to adoption.

Amendment by leave withdrawn.

Motion made and question put: "That Section 84 stand part of the Bill."

Agreed.

### SECTION 85.

An appeal shall lie in Civil Cases and licensing cases from any decision of a Justice of the District Court to the Judge of the Circuit Court within whose Circuit the District of the Justice lies, and the decision of the Judge of the Circuit Court on any such appeal shall be final and conclusive and not appealable.

Vol. 5.

**Mr. DUGGAN:** I beg to move amendment 40:—In line 14 to delete the words "civil cases and licensing cases" and to insert in lieu thereof the words "all cases other than criminal cases."

This is merely a drafting amendment and it is really consequential upon amendment 26.

Question put and agreed to.

Amendment 41 (Mr. Richard H. Beamish) not moved.

Question—"That Section 85, as amended, stand part of the Bill"—put and agreed to.

Section 86 ("Appeal in Criminal Cases") agreed to and added to the Bill.

Section 87 ("Case stated, or appeal, to be in form, etc., prescribed by Rules") agreed to and added to the Bill.

Section 88 ("Appeal in Licensing Cases") agreed to and added to the Bill.

### SECTION 89.

(1) The Minister for Home Affairs may from time to time by warrant under his hand appoint and remove such and so many fit and proper persons as he shall think expedient in each District to be called "Peace Commissioners" and to perform and exercise within such District the duties and powers of Peace Commissioners under this Act.

(2) A Peace Commissioner shall have all the powers and authorities which immediately before the commencement of this part of this Act were vested in a Peace Commissioner under the District Justices (Temporary Provisions) Act, 1923, in respect of the several matters following, that is to say:—

- (a) signing summonses;
- (b) signing warrants;
- (c) administering oaths and taking declarations, affirmations and informations;
- (d) committing dangerous lunatics and idiots to Lunatic Asylums under Section 10 of the Lunacy (Ireland) Act, 1867;
- (e) signing certificates for the admission of lunatics and idiots to Lunatic Asylums;

[Section 89.]

- (f) signing the certificate required by Section 2 of the *Registration of Clubs (Ireland) Act, 1904*.

Provided always that any summons against any member of the Civic Guard shall be signed by a Justice of the District Court.

(3) Whenever any person charged with having committed an indictable offence shall be arrested by a member of the Civic Guard, such person shall, unless a Justice of a District Court is immediately available, forthwith be brought before a Peace Commissioner, who, after hearing such evidence as may be offered shall remand such person either in custody or in such bail as the Peace Commissioner shall think fit and remit the case for hearing before a Justice of the District Court on a date not later than the next sitting of the District Court to be held in the District where such person was arrested.

**Mr. JOHNSON:** I beg to move amendment 45:—

Before Section 89, to insert a new Section, as follows:—

“At or before the commencement of proceedings in a District Court, the District Justice may, with the consent of all parties to the proceedings, endeavour to effect a settlement of the case by way of conciliation. In the hearing and determination of such a case the District Justice shall act according to equity, good conscience and the substantial merits of the case, without regard to technicalities or legal form, and shall not be bound by any rules of evidence, but may inform his mind on any matter in such manner as he thinks fit. The hearing and determination of any case by way of conciliation shall be without prejudice to the right of any party to institute formal proceedings in the District or other Court unless all parties to the case agree to accept the determination as final, when the determination shall be recorded as and shall have full force and effect as if it had been a formal decision of the Court.”

The introduction of the principle of

the conciliator that is sought for by this amendment is perhaps a new principle in form, but I think in fact it has been not at all unusual, and it is a desirable submission that the statutes should allow the District Justice to act as Conciliator with a view to avoid continuous legal proceedings, and to avoid the bad blood that very often follows legal proceedings. This is not a new principle; it has been adopted in many other countries and with great success. It is being strongly advocated in Great Britain by experienced judges, and I hope it will not require very much argument to secure the support of the Dáil. The actual language of this amendment is taken from an Act of the Australian Commonwealth Parliament in reference to a similar office, and I think it defines clearly enough the kind of case and the manner of dealing with it that should be embodied in this Bill. I daresay there will be objections from the legal gentlemen because of the removal to the atmosphere of conciliation and the reference to discuss the merits of the case without regard to legal technicalities or legal forms. But I do not think the legal profession will object as a whole. They do, very often, themselves act in their own practice as Conciliators, and do not allow cases to go to the Courts very often. This new clause desires to give the District Justice the power to act with the consent of both parties as Conciliator, and so avoid the expense, ill-will and possible vendetta that very often follows adverse decisions against one party or another. I think the proposal speaks for itself, and may not require very much further advocacy.

**ATTORNEY-GENERAL:** I had the advantage of reading the suggestions already made on the part of the Labour Party to the Judiciary Committee, and in substance stated here to the Dáil on previous occasions. I think it will be found that in countries where this functionary, the Conciliator, operates you have a Code system of law with a rather bureaucratic system of judicial tribunal. Under the Code system you have a very rigorous cast-iron method of dealing with cases, and the functionary who administers the law simply declares the sentence prescribed, or the

decision prescribed by a particular clause of his Code. The Conciliator in these countries means rigidity of the Code, and rigidity of the bureaucratic tribunal.

Here we have inherited a different system in which the Judge has wide discretion and range, in which he may decide the case according to the merits and justice as it appears to him. I do not think the setting up of a separate Conciliator is one that is called for by the system that we have here. Deputy Johnson does not propose a different person. He proposes that the District Justice should, in the first place, act in the capacity of Conciliator, that he should first hear the case, disregarding all the rules of evidence, and then if he failed to conciliate he should assume the ermine and rigidly bind himself by the rules of evidence as regards the facts.

**Mr. JOHNSON:** Will the Attorney-General read the amendment? It says "at or before the commencement of the proceedings the District Justice may with the consent of the parties to the proceedings——"

**ATTORNEY-GENERAL:** But then should he fail to conciliate he has already had his mind opened to matters that it would not be legitimate for him to consider were he approaching the subject from the judicial point of view as a tribunal, and how is he to discharge his mind of matter that he has admitted to it in his futile effort to conciliate? Speaking from my own experience of agreed settlement of disputes, I really do not think that on the whole settled disputes meet with the satisfaction of either parties. Fixed decisions of the Court in the settlement of affairs between people are better, whereas the settlement of the affairs between people compelled to agree leads to this, that for the rest of their lives they never cease to regret what they might have got had they fought the case out. Now, save that this Section purports to authorise the District Justice to entertain matters which he could not legitimately entertain as a judge, it really does not do anything new in principle. This Section, I think, only enables him to do

what he may now do. He is now at liberty, with the consent of both parties, to bring them together and reconcile them and arrive at an agreed solution of the dispute if he can, and I think when these District Courts develop with this extended jurisdiction, close to the people and with their disputes known and thoroughly understood by the District Justices moving amongst them, that there will be a tendency in this direction. It is not necessary to authorise the District Justice to do a thing with the consent of both parties. He can do that as the matter stands now and enter it down in his book as the matter stands, but it is very inadvisable to invite him to consider matters that he is not otherwise at liberty to consider for the purpose of settlement, and then, if he failed to settle, to approach the case with his mind charged full of those matters that should not legitimately be present to his consciousness. For these reasons I cannot accept the amendment.

**Mr. GOREY:** I think the Attorney-General has taken the correct view on this matter. At least the opinion he has expressed agrees with our view. As far as we are concerned, we have no objection to Arbitration or Conciliation Courts. I do not see very much distinction between these courts, but as we know very good work has been done both by Arbitration and by Conciliation Courts. However, I do not think they can be at one and the same time Arbitration and Conciliation Courts and also District Courts. For myself, I could not understand a District Justice being also a Court Arbitrator. The position, I think, has been very clearly explained by the Attorney-General, and I might say that our views agree with his. We do think, if it were possible, outside of the District Courts Bill, to have Conciliation or Arbitration Courts, they might serve a very useful purpose. As I have stated, they were in operation in recent years, and they did a lot of good, but at the same time I do not think you could have them linked up together with the District Courts.

**Mr. GOOD:** I would like to ask the Attorney-General if there is anything

[Mr. Good.]  
in this Bill that would prevent a decision arrived in an Arbitration Court being registered in High Court?

**ATTORNEY-GENERAL:** Under the existing law, in the ordinary case of arbitration with proper submission, the submission and award can be made a rule of the High Court, and can take effect as a judgment of the High Court.

**Mr. GOOD:** Can the same practice follow, then, under the new procedure?

**ATTORNEY-GENERAL:** The whole law of arbitration in this country has not been developed as it should. There is an up-to-date Act in England, the Act of 1889, and probably if opportunity arises soon we could consider introducing an Arbitration Act. We still depend upon the provisions of the Act of 1856.

**Mr. JOHNSON:** I am not convinced of the impracticable character of this amendment, but it is a layman's amendment, and I am not going to try to put the layman's view before that of the Attorney-General. He says it is impracticable and unnecessary. Then I cannot help that, and I ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

**Mr. BURKE:** I beg to move the following amendment:—

“In Sub-section 1, to delete the word ‘District’ in lines 44 and 45, and to insert in lieu thereof in each line the word ‘County.’

It is a purely verbal amendment, and I do not think there will be any trouble about its acceptance.

Amendment put and agreed to.

**Mr. DUGGAN:** I beg to move the following amendment:—

“In Sub-section (2), lines 48 to 50, to delete the words beginning ‘commencement of’ and ending ‘Act 1923’ and to insert in lieu thereof the words ‘6th day of December, 1922, were vested in a Justice of the Peace.’”

As it stands, the Bill refers to the District Justices (Temporary Provisions) Act, 1923, and it is considered undesirable that permanent powers

should be conferred under a temporary Act. That is the object of the amendment. It does not alter the Section in any way.

Amendment put and agreed to.

**Mr. DUGGAN:** I beg to move the following amendment:—

“In Sub-section (2) (c), line 55, to delete the word ‘and’ and to insert immediately after the word ‘informations’ the words ‘and recognisances.’”

This amendment is really only a correction of a clerical error.

Amendment put and agreed to.

**Mr. CONNOR HOGAN:** I desire to ask the Attorney-General if he would reconsider the position of Peace Commissioners, and if it would be possible to extend their jurisdiction, excluding the hearing of cases under the Licensing Acts and cases of serious assault?

**ATTORNEY-GENERAL:** I am afraid it cannot be reconsidered.

Question: “That Section 89, as amended, stand part of the Bill,” put and agreed to.

## SECTION 90.

Section 90—(No further appointments under District Justices (Temporary Provisions) Act, 1923)—was agreed to and added to the Bill.

## SECTION 91.

The Rule-making Authority for the District Court shall be the Minister for Home Affairs with the concurrence of the Minister for Finance in respect of matters affecting public revenue or expenditure and the assistance of such of the Justices of the District Court as the Minister for Home Affairs may from time to time nominate for this purpose.

**Major BRYAN COOPER:** On this Section, I desire again to bring forward the question of the Rule-making Authority, and to ask the Attorney-General why in the District Courts alone the Rule-making Authority contains no representative of those who practise in these Courts. In the High Court, you have that transient phantom, the Pre-

sident of a private corporation, the President of the Incorporated Law Society, and in the Circuit Courts you have two barristers and two solicitors on the Rule-making Authority, but in the District Courts the Rule-making Authority is the Minister for Home Affairs "with the concurrence of the Minister for Finance in respect of matters affecting public revenue or expenditure and the assistance of such of the Justices of the District Court as the Minister for Home Affairs may from time to time nominate for this purpose." On the Rule-making Authority for the District Courts there is no solicitor and no representative of the general public. There is no representative either of the commercial community, but I am certain that is an aspect of the question that Deputy Good will speak on. I am speaking now for the general public, and I suggest that the Rule-making Authority in these District Courts should have on it a representative of the general public. The majority of those appearing in the District Courts will attend in person, and, as we know, the vast majority of defendants in criminal cases are usually not represented by a solicitor or by counsel. They attend to answer the charge made against them, pay the fine if they are fined, and then go out. I think that some machinery should be set up to give the general public representation on this Rule-making Authority. I admit it is not easy to devise machinery required to do that, but still I think if the Attorney-General set his mind to it that something could be done to give the general public representation. Perhaps it might be possible to allow some solicitor to act on the Rule-making

Authority on behalf of the  
5 o'clock. general public, and possibly some person might be nominated by the Minister for Industry and Commerce to look after the interests of the people represented here by Deputy Good. If the suggestion I make were adopted I think it would lead to greater confidence in these Rule-making Authorities. The Section states that the Minister for Home Affairs may, from time to time, call in the assistance of District Justices to act on this Rule-making Authority, but pre-

sumably he would not select District Justices who would be likely to disagree with him.

**Captain REDMOND:** On this Section I beg to supplement what has been said by Deputy Cooper by a few remarks on the whole purport of the Section. We have had Rule-making Authorities set up for the High Courts. We have had Rule-making Authorities set up for the Circuit Courts. We have arrived at the final stage and are setting up a Rule-making Authority for District Courts. In the matter of the High Court the framers of this Bill followed, more or less, the proposals laid down in the Judiciary Committee's report. In the matter of the Rule-making Authority of Circuit Courts, they were not so particular. In fact, the Minister for Home Affairs was to be the sole Rule-making Authority in the Circuit Courts, because the word "assistance" was used in the original draft of the Bill. But I am glad to say that the Government saw their mistake in time and by a Government amendment have substituted the word "concurrence," thereby not making the Minister for Home Affairs the sole Rule-making Authority for the Circuit Courts. But here we have, in regard to the District Courts: "The Rule-making Authority for the District Court shall be the Minister for Home Affairs with the concurrence of the Minister for Finance in respect of matters affecting public revenue or expenditure," but with only the assistance of Justices, and such Justices as the Minister for Home Affairs chooses to nominate. Therefore, it comes to this, that the Rule-making Authority for a District Court is to be the Minister for Home Affairs. The Minister for Home Affairs may be, and possibly is at the present time, a very able and energetic person, but certainly this Bill confers upon him not only powers but duties which no other Judicature Bill has ever proposed to confer upon any Minister in any country in the past. But the importance of it is more than that. This Rule-making Authority is to be constituted of a Minister of the Executive of the Government of the day, and in this respect, as in many others throughout this Bill, the Government, while purporting to introduce

## [Captain Redmond.]

a measure on the lines of the Judiciary Committee's Report, have disregarded the report wherever they disagreed with it, and have upheld the report wherever they agreed with it—a very accommodating sort of report indeed.

The Judiciary Committee reported in favour of the setting up of a Rule-making Authority for District Courts, and the Rule-making Authority that they suggested was to consist of five District Justices to be nominated, but not by the Minister for Home Affairs. In fact, this Judiciary Committee, of which the Government have such a high regard, I do not think have mentioned the Ministry of Home Affairs from cover to cover in their Report. Certainly they say that the Rule-making Authority is to consist of five District Justices nominated by the general body of Justices, two practising barristers, to be nominated by the Bar Council, and two qualified solicitors to be nominated by the Council of the Incorporated Law Society. Then they go on about the tenure of office and so forth. They suggest that no rule is to come into operation unless it has been submitted to and approved by the Rule-making Authority of the Circuit Court, and they also add that the authority is to select its own Chairman. Here we have the Government proposing, in the face of their own Committee's report, in the face of the Committee which they have been throwing at the head of everyone who has dared to criticise any proposal which they have made in conformity with the views of the Committee, to throw the Committee's suggestion upon one side, and putting forward something entirely and distinctly apart.

**AN LEAS-CHEANN COMHAIRLE**

took the Chair at this stage.

**Captain REDMOND:** What is the object, I would like to know, of making the Minister for Home Affairs the sole Rule-making Authority for the District Courts? That cannot be denied, because the Government themselves amended the Section in regard to the setting up of a Rule-making Authority for the Circuit Courts by substituting the word "concurrence"

for "assistance," because they know as well as I do that the word "assistance" conveys nothing more or less than acquiescence, whereas the word "concurrence" means, in legal parlance, that the Minister for Home Affairs could not frame any rules without the consent of the other parties. Therefore, I think I am entitled to ask from the Government an explanation in the first place as to why they have departed from the proposal of the Judiciary Committee in this respect; in the second place, why they have appointed the Minister for Home Affairs to be the sole Rule-making Authority for these District Courts; and, above all, why they have not, as Deputy Major Cooper has said, placed upon this Rule-making Authority some representative of the professions which will be engaged in pleading before these Courts? Why is the distinction drawn between the District Courts and the Circuit Courts and the High Courts in this respect? I certainly think that it is due not only to the professions but to the public that we should get this explanation. The Rule-making Authorities in all these courts will have a very large say indeed as to the future of this Bill. The Rule-making Authorities will have very large and very wide powers. In fact much as we hear about the eagerness of country solicitors for the passage of this Bill, I can assure the Attorney-General that, from what I can learn—and I do know a few country solicitors—the country solicitors are very anxious indeed to know certain details. I will not mention what ones in particular, but probably the Attorney-General will be able to follow me when I say that they are anxious to know certain details of the rules to be made by the Rule-making Authorities in connection not only with the High Courts and Circuit Courts, but in particular with regard to the District Courts. To say that solicitors themselves are to have no representatives on the Rule-making Authority for the District Courts—a body which shall provide rules which shall have such a force and such a bearing upon the future of their interests—certainly requires some explanation on the part of the Government.

We have heard that there is a great



demand for the extension of the jurisdiction, both in the Circuit and District Courts. Well, I have found it very difficult to discover that demand, either among the public or among the members of the legal profession, because I think their interests are one. But, however great the demand may be, I certainly believe that the Rule-making Authority, in the opinion of all classes, whether legal or non-legal, should not be confined to a Minister of the day, whether he be Minister for Home Affairs or anything else, or even the Attorney-General himself for that matter. I think, certainly, if any solitary Minister of the Government is to be the sole Rule-making Authority for the District Courts, the Attorney-General should have been that authority. I do ask seriously if the Attorney-General can give the Dáil an explanation as to why this departure has been made, in regard to the Rule-making Authority for the District Courts, both from the Judiciary Report itself and from the nature of the authority set up in regard both to the High and Circuit Courts.

**Professor MAGENNIS:** The most objectionable line in the Section, as it at present stands, is that which provides that the rule-making authority is to be assisted by such Justices of the District Courts as the Minister for Home Affairs may, from time to time, nominate for this purpose. I had expected that Deputy Duggan would have introduced an amendment modifying that, so as to keep this Section in line with the reforms already made since the Bill came into Committee. Before the measure came into Committee it was quite obvious to anyone who studied the Bill closely that the District Justices were to be depressed into an unfair position. Deputy Redmond was not a member of the last Dáil, and it may, therefore, have escaped his attention that the District Justices were created by the Minister for Home Affairs in the last Dáil under a temporary measure, and they have been under the control of the Home Affairs bureau ever since. We have changed the status, very much for the better, of the District Justices in the last few days. Section 70 provided that they

were to be set up at such salaries as the Minister for Home Affairs might fix. We have removed these words and have left the Section over for further consideration to make that as it ought to be. Likewise, the wording which seemed to suggest that these judges—for judges they are unmistakably—were to have the status of Civil Servants has been modified. Now, I think a modification was due that would prevent even the semblance—even the merest suspicion—of interference by a bureau with these men in the discharge of their duties. If the representatives of the District Justices, who are to figure on the Rule-making Authority, are not to be elected out of their own body, as recommended by the Judiciary Committee, but are to be nominated by the Ministry of Home Affairs—I do not at all suggest that the public would rashly conclude that there was something in the services of those men which recommended them to the favourable notice of the Minister—undoubtedly as years go on, and as there is less and less of this devotion, that at present exists, to Ministers in the country, it is easily conceivable that something like suspicion would arise that these were favourites of the Minister, and when the probing, the enquiry would be set about, various grounds or reasons could easily be found in support of this suspicion, and then the well springs of justice were poisoned. I stand here as I stood in the last Dáil to resist every encroachment of a Ministry upon the administration of justice. We are all here as defenders of democratic rights and liberties, and we should all be equally strong opponents of bureaucracy. I hold seriously that to allow the Minister for Home Affairs to nominate the District Justices who are to take part in the making of the rules for their courts is to open the door—I will not say the back door—for bureaucracy. There is no reason that I can discover why the District Justices should be treated differently in this regard from any of the other judges in their respective domains. It is a small matter. Some people may say I am creating a tempest in a teapot, but though it may be a small matter, from the point of view of the printer or the amount of time it

[Professor Magennis.] takes to read what is printed, there is a very, very important principle involved.

**Mr. JOHNSON:** I want to support the views expressed by Deputies Magennis and Redmond on this matter. I think this Section and the two following Sections carry on their face the idea that there was the intention to subordinate the Justices in some way to the Ministry for the time being. Perhaps I should not say there was the intention, but it is certainly capable of that interpretation, and more so, when one notes the fact, that whereas the rules for the Circuit Courts and for the High Court are to be laid on the Table of the Oireachtas, the rules for the District Courts are not to be so laid upon the Table. That is added evidence of a difference in status and a difference in relationship between the Judges of the High Court, the Circuit Courts, and the Ministry, and the Justices of the District Courts and the Ministry.

I think the sense of the Dáil has been clearly expressed that in respect to the relationships of the various Judges in the three Courts to the Ministry, they should be identical—that is, they should be independent. I think that the objection to the form of this Section is valid, inasmuch as it fails to maintain that independence, and especially, as I said a minute ago, it failed to provide for the laying on the Table of the Dáil rules which are to be made and which may be amended by the Ministry of Home Affairs from time to time with the concurrence of the Ministry of Finance, with the assistance only of certain chosen Justices. That I think is defective and, while there are no amendments down, I am sorry to say, affecting this point, I hope the Attorney-General will give us an assurance before we pass this Section that there will be an alteration made in the name of the Government in this Section, and that the independence of the Justices will be made secure in every possible way, both in the rule-making and the validation of the rules by the Oireachtas before they come into operation.

**ATTORNEY-GENERAL:** We have

had a good deal of discussion on this Section without, however, having any amendment proposed. The reason why the solicitors' profession was not specifically mentioned in this case was that the District Justices are chosen practically equally from both professions, so that a Rule-making Authority would almost of necessity contain solicitors. I am quite willing to consider the question of having practising solicitors added to the rule-making authority. I do not think that the suggestion conveyed by Deputy Magennis is just. The Government has not, nor have I personally, ever attempted to subordinate the position of the District Justices. We regard the District Justice as being one of the best things that the Government has done, and as being on a par with the Civic Guard—something which the people ought to trust and look to. It is undoubtedly the intention of the Government to maintain the Courts as something that the people can look to as their own and can understand. Anything that will make that position more assured will certainly receive every consideration. I am satisfied that the rules should be laid on the Table of the Dáil, and I will undertake that an amendment to that effect will be added. In referring to this word "assistance" in Section 91, Deputies have ignored the fact that in Section 93 the Rules cannot take effect until they are approved by a majority of the Justices on the Rule-making Authority.

**Captain REDMOND:** Nominated by the Minister for Home Affairs.

**ATTORNEY-GENERAL:** Certainly, and why not? The reason is obvious. The District Justices are in somewhat a different position from the other Justices, who will be in Dublin from time to time, and in choosing Justices for the Rule-making Authority one must have regard to those available, because the drafting of Rules is a matter to which one must give consecutive thought and consecutive time, and it will be necessary to choose men accessible for a sufficient period to give sufficient attention to technical clauses of this kind, and men of standing and experience. If the Rules are laid on

the Table any defect will certainly be discovered by one or other of the critics to, whom we have been listening. I will consider the question of adding solicitors to the Rule-making Authority.

**Captain REDMOND:** I am indebted to the Attorney-General for what he has said in regard to laying the Rules on the Table of the Dáil, but my principal objection to this Section is that it is departing from the Report of the Judicial Committee. I want to know why they made such departure. Secondly, they have differentiated from the structure of the Rule-making Authority in regard to other Judges, and I want to know why. Further, it is perfectly true, as the Attorney-General said, that according to Section 93 such rules shall be approved by a majority of the Justices nominated by the Ministry. My objection is that they are to be nominated by the Ministry. No matter what the Attorney-General may say about not having time at their disposal to frame the Rules, surely in an important matter like this, it would not be impossible to find substitutes for the present Justices to take their places while they did consider what proper Rules should be adopted in regard to their own Courts. I think it would be fit and proper that they should be given time, and the time need not necessarily be too great, and facilities for the election of five of their number, as has been suggested by the Judiciary Committee, and these five Justices, in conjunction with two solicitors, whom the Attorney-General is now willing to recommend on the Authority, should act also in conjunction with two practising barristers. He, himself, has said that some of the Justices will be solicitors and some barristers. Why should there not be two practising barristers also, as suggested by the Judicial Committee, on this Rule-making Authority? Therefore, I would submit that it would be far simpler if the Attorney-General could see his way to adopt the suggestion of the Judiciary Committee, or, at least, that portion of it where it is proposed that there should be five District Justices elected by the District Justices themselves, and that there

should be two practising barristers and that those should constitute the Rule-making Authority. Of course, if the Government want to have the Minister for Home Affairs there, I presume we will not be able to interfere with their intentions. Let the Minister for Home Affairs also take his part, but in conjunction, at least, with those other parties proposed by the Judiciary Committee, and not with the assistance of those parties, as is proposed in this Section, but with their concurrence as is proposed and approved by the Government in the Section regarding the setting up of a Rule-making Authority both for the High Court and the Circuit Court. I do not think it will be in any way a climb-down or submission on the part of the Government. It will only be doing what they profess to want to do, and that is to make sure that by this Bill they are exhausting every endeavour to put on foot and set up a proper judicial system, both in regard to the limited and High Court jurisdiction, for the people of this country.

**Professor MAGENNIS:** I fear I have failed to make my position intelligible to the Attorney-General. I pointed out elements of the Bill which, by amendment or promise of amendment in Committee, have been already removed. I argued that to retain this phrase or clause is to retain something which is discordant with the spirit of the creation of the District Justices—the conferring of enlarged jurisdiction upon them and the effort made by the Dáil to secure them the status that comes of a superior remuneration. It is not good policy to bring the Minister and the Judges into the possibilities of conflict. So long as the Minister is the Rule-making Authority, with the assistance of certain District Justices to be nominated by him, and those do not become Rules of Court and operative unless they are approved by a majority of the District Justices, there is the possibility of collision. That is one of the objectionable features of making a Minister the Rule-making Authority, namely, that it is contrary to public policy and highly undesirable. Furthermore, these enlightened and able representative men of all the various

[Professor Magennis.] branches of the profession and its work recommend that the District Justices should select five of their number. Nothing has been said to show that that is not a feasible and wise proposal. We have been told of the inconvenience and the taking away from their work. That inconvenience was there no matter who was the selector. Let the District Justices themselves select from amongst their members those whom, from age, experience or ability they know to be the best qualified for this duty. If the Minister is to select them it will provoke a suggestion of bureaucratic interference. I am most anxious we should do nothing that would create a bureaucratic spirit in the least degree.

**Mr. GOOD:** Might I say another word on the necessity of having a commercial representative on this Rule-making Authority? In the case of the District, 75 per cent. of the work coming before that Court will be matters of the very greatest concern to the commercial community. It is obvious, therefore, that this Bill should have the confidence of that community. We are all anxious when the Bill passes through here that we should, as far as possible, mould it so that it will carry with it the largest measure of the confidence of the people. As has already been pointed out, there is in the minds of a very large section a suspicion with regard to this measure. We all recognise, as commercial men, that much, if not all, of the success of this measure will depend upon the work of the Rule-making Authority. I would, therefore, impress on the Dáil, and especially on the Attorney-General, the necessity of appointing a representative of the commercial community on that Committee so that we may thereby get the confidence of a large section in the Committee and in the Bill.

**ATTORNEY - GENERAL:** I have really very little to add. I am surprised it should not be proposed that the President of the College of Surgeons, the President of the College of Physicians, and all the archbishops and bishops of the churches should be members of this Committee.

**Mr. CONNOR HOGAN:** And the farmers and the beggars.

**ATTORNEY-GENERAL:** Yes.

**Mr. JOHNSON:** And the criminals.

**ATTORNEY-GENERAL:** Yes, a very large class. These Rule-making Committees are persons employed to do entirely a piece of technical work. When the task is done the result will be laid here on the Table of the Dáil. All the classes represented here, except the one referred to by Deputy Johnson, will be able to criticise the Rules and point out their defects if they should continue. It is essential that it should not be a very large body, and that certain members should be chosen for their ability in draughtsmanship, and technical work of the kind. Some also must be chosen who will have a knowledge of the language which is so largely used in a portion of the country in which the Courts are functioning and which has come into such considerable use, particularly along the western seaboard. I am not accepting the proposition to enlarge this Committee. I believe there is an honourable organisation in England called the O.B.E. which has come in for some criticism recently. It looks as if appointment on this Committee will become a violation of the Articles of the Constitution with regard to the conferring of titles of honour. The undertaking I gave is that the Rules will be laid on the Table of the Dáil. I will consider whether two practising members of the two professions might be added to the Committee.

**Captain REDMOND:** I must trespass once more on the Committee. Step by step the Attorney-General is softening and softening. Perhaps we may succeed before we finish in bringing him the whole way, but I am indebted to him for acknowledging the senior branch of the profession by considering the placing of two practising barristers on the Rule-making Authority. I was not proposing an omnibus committee at all, and probably when the Attorney-General was making those exceedingly humorous references he was not referring to my remarks. What I was proposing was that we should adopt the Judiciary Committee's Report, and I

want to know for the third time—and I suppose it is the last time I shall have the right to ask it—why we have departed from the Judiciary Committee's Report in regard to the District Justices and not in regard to the other Judges. No answer has been given to that question. Very well; that being so, we have been promised that a report is to be laid upon the Table of the Dáil. I know something about reports upon Tables of Houses, and I know that often very little attention is paid to them. All I can say is this, that the idea, because the District Justices themselves would have the power to select five of their number, that therefore they would not select among that five men who had as good a knowledge of Irish, required, as the Attorney-General says, for certain parts of the country, as the Minister for Home Affairs would, or that they would not select from among their number as learned members as the Minister for Home Affairs would, I think that is rather too much to ask me to acknowledge. I cannot see why the principle of nominations by a Minister from among a number of District Justices should be pressed upon the Dáil by the Government and why the principle of election, such as is admitted and proposed by the Government themselves in regard both to the Circuit Court and to the High Court, should not be admitted in the case of the District Justices. No reason whatever has been given for departing from this principle and for engaging in this purely bureaucratic proposal. The Minister for Home Affairs is being placed upon all these Rule-making Authorities, but why should he have to perform the whole of the duties of the District Courts Rule-making Authorities? I would suggest from the point of view of the Minister for Home Affairs himself that it places him in a rather invidious position, and it would make it far easier and better for him if the District Justices were to be selected by that body than to be chosen by him.

Furthermore, the Attorney-General has not answered another of my questions, which I shall put again for the third time, and that is why the word "assistance" is used here instead of the word "concurrence." Why was the

word "assistance" deleted at the incidence of the Government, and the word "concurrence" substituted in regard to the Rule-making Authority for the Circuit Courts, and why is the word "assistance" insisted upon here and the word "concurrence" rejected? The answer is perfectly obvious but the Government will not give it. It is that the Minister for Home Affairs is to be the Rule-making Authority, otherwise there would be no point whatever in the attitude adopted by the Government differentiating from their attitude in regard to the other courts, and from the Judiciary Committee's Report in regard to all the courts. Once again—and I am afraid it is the last time I will have the power, according to the rules, at this stage at any rate—I ask these questions of the Attorney-General in the hope that, this being the third time, I may be more successful in obtaining a reply.

**Major COOPER:** It is not every day that we can cross-examine an Attorney-General, and I want to add one more item to the catechism. He has been good enough to say that he will consider whether he cannot add two practising solicitors to the Rule-making Authority, but I should like to ask him in what capacity they are to be added? Are they to concur or are they merely to assist? If they are merely to assist they will be very little use; if their concurrence is necessary then that would be a very valuable concession indeed.

**ATTORNEY-GENERAL:** That would be a matter for consideration.

**Major COOPER:** Careful consideration, I hope?

**ATTORNEY - GENERAL:** Careful consideration.

**Prof. MAGENNIS:** Is the Minister obdurate as regards insisting upon the presence only of District Justices who have been named by the Minister instead of District Justices who would be elected out of their own number? He has taken no notice of that whatsoever. He was careful to repudiate what it was unnecessary to repudiate, that the Government had a desire to depress the District Justices. I allege, and I repeat that the wording of the Bill, until it

[Prof. Magennis.]  
 was amended by the Government in the last two days, did give ground for that suggestion. Why do they cling now so desperately to the one phrase in the entire measure which is the spirit of the desire to depress, when they have shown that they are anxious to carry out the idea of the Constitution and make these men judges in every sense of the word? Why do they, as I say, cling so desperately to the one phrase? Either it is because they have conceded so much already to proposers of amendments that the spirit of obstinacy has now set in, or they have some solid and good reason. I am willing to be convinced, but I have heard no good reason. These Rules are of the last importance, because the whole success of the administration of the District Justices' courts depends upon them. The confidence of the people in these is of vital importance also. We have not been told why the Minister for Home Affairs is to be a sort of demigod in this connection. There has been no attempt whatever to persist in making the Minister for Home Affairs the central figure in regard to the other courts. But the origin of the District Justices must be taken into account. They were created by the Minister for Home Affairs under a temporary measure. Their administration has been controlled by the office of the Minister for Home Affairs from the time they began to administer the laws, and now if at the last moment we are to retain words that make the Minister for Home Affairs the central figure a situation is to be created in which it is conceivable at least that there would be collision between the District Justices and the Minister in regard to important Rules. These are things that have not been elucidated, if it is the desire to make this Bill as good a Bill as it can possibly be made. We are proud of the measure. We have approved most heartily and agreed with the Minister, not merely in passing it but in bettering it. But here is an unmistakable blot upon the Bill, and one word from the Attorney-General can remove it. We are still waiting for that word to be said.

**Mr. McGOLDRICK:** I only hope that

the Attorney-General will stand firm in his resistance to this proposal. The Dáil and the nation are not to be stampeded by the fusilade of oratory which we have heard here. I think the Minister for Home Affairs should have some control so far as this selection is concerned, because the control of the Minister for Home Affairs is the control of the Dáil, and the Dáil represents the people. I do not see why the Attorney-General should allow himself to be stampeded by any fusilade of oratory about an attempt to set up a bureaucracy, a form of bureaucracy which pertains to law and the control of law. I think the Ministry should take care that they will not be stampeded in any shape or form into doing something that the Dáil would not be allowed to wink at in the future. I think that is the object that inspires all the oratory that has been directed against the Attorney-General.

**Mr. JOHNSON:** The doctrine enunciated by Deputy McGoldrick compels one to protest against the very expression of the notion that the administration of justice should to any extent be controlled even by the Dáil, and it is perhaps well that there should be some disavowal that any such notion is in the minds of Deputies. The pride with which the Attorney-General looks on the establishment of the District Justices, coupled with the pride in the establishment of the Civic Guard, rather suggests what has been hinted at, that it is the pride of parentage that makes him stand firm on the proposition that in making the Rules for the conduct of the District Courts the Ministry of Home Affairs shall be the over-riding authority. Deputy McGoldrick and any, if such, who think with him, ought to remember that the Rule-making Authority of the Circuit Courts is the Minister for Home Affairs, plus other people whose concurrence must be secured, and similarly with regard to the High Court. No answer has been given to the question raised as to why there should be any differentiation. It is unfortunate that no amendments have been sent in to this Section. It is not, of course, too late. It is desirable, I think, that the Dáil should insist upon the same kind of authority

in respect of District Courts as has been agreed on in respect of Circuit Courts—the same kind of authority, possibly with some slight differences in numbers, though I do not know why even there should be that difference—but it should not be an authority which is purely a political authority, whether of the Ministry or the Dáil. I hope that the Attorney-General will, on behalf of the Ministry, give us an indication before this Section passes that he is prepared, in this as in other respects, to make the District Courts harmonise with Circuit Courts, as regards the relations between these Courts and the Ministry of Home Affairs.

**Captain REDMOND:** I do not know whether I am in order or not, but in concurrence with the idea suggested to me by the Attorney-General, I propose to move an amendment now to this Section, if I get permission.

**AN LEAS-CHEANN COMHAIRLE:** I think the Deputy must have the permission of the Dáil to move an amendment without notice.

**Captain REDMOND:** May I ask for the permission of the Dáil?

**Professor O'SULLIVAN:** On a point of order, Deputy Redmond has spoken three times already.

**Captain REDMOND:** That is why I want to move the amendment, as I wish to speak again.

**Professor O'SULLIVAN:** You are speaking for the fourth time.

**Captain REDMOND:** On a point of order, may I ask whether I am speaking a fourth time when I am raising a point of order and asking you may I move an amendment?

**Mr. DARRELL FIGGIS:** I would like to put this point, that never previously in the experience of the Dáil when a desire has been expressed to move an amendment in Committee that has not appeared in the Order Paper has the leave of the Dáil been refused.

**Mr. JOHNSON:** I think there is a Standing Order which gives An Ceann Comhairle the discretion.

**AN LEAS-CHEANN COMHAIRLE:** That is quite so. The Deputy is within

his right in speaking again if the amendment is in order.

**ATTORNEY-GENERAL:** May I point out that any undertaking I have given must now be taken as cancelled. You cannot have it both ways.

**Captain REDMOND:** With your permission and the permission 6 o'clock. of the Dáil I desire to move the following amendment:—

Section 91—To delete the Section, and to substitute therefor the following

“The Rule-making Authority shall consist of five District Justices to be nominated by the general body of Justices; two practising barristers to be nominated by the Bar Council; and two qualified solicitors to be nominated by the Council of the Incorporated Law Society, with authority to select its own Chairman.”

I may say these words are taken literally from the Judiciary Report.

**Professor O'SULLIVAN:** On a point of order, is the Deputy moving the

**AN LEAS-CHEANN COMHAIRLE:** Yes.

**Professor O'SULLIVAN:** Has he got the permission of the Dáil to do so?

**AN LEAS-CHEANN COMHAIRLE:** It is within the discretion of the Ceann Comhairle to allow an amendment to be proposed or to refuse it.

**Professor MAGENNIS:** On a further point of order, is it not the case that you have that discretion with regard to a Deputy who has not exhausted his privilege of speaking three times? If on the occasion of his speaking in Committee one of his speeches took the form of moving an amendment then he might move that amendment, I submit, without notice, with your permission; but can the limitation of a Deputy's right to speak more than three times in Committee be extended notwithstanding the Standing Orders?

**Captain REDMOND:** Perhaps I might supplement Deputy Magennis's suggestion, that the limit of speaking three times is a limit of speaking three

[Captain Redmond.] times on one particular amendment, or on one particular Section. There is no limit to the number of times either the Deputy himself or any other Deputy may address the Dáil on various amendments or on various subjects.

**Professor MAGENNIS:** My point of order is this: we have debated a Section of the Bill. In the debating of that it takes any form it pleases, and a Deputy is entitled to make three speeches not exceeding ten minutes each. When he has done that, I submit he has exhausted his right of speech on that Section. After making three speeches he proposes an amendment, which is in effect to speak four times on it, and there will be no end to that, because someone else who has spoken three times could move an amendment to that amendment, and so on *ad infinitum*.

**Captain REDMOND:** Might I suggest that if there were twenty amendments to one section each Deputy would have the right to speak three times on each of the twenty amendments, and on the Section afterwards.

**AN LEAS-CHEANN COMHAIRLE:** I must rule in favour of the view put forward by Deputy Magennis. If the amendment is proposed by another Deputy, it would be open to Deputy Redmond to make three speeches on it.

**Major BRYAN COOPER:** I beg to move the amendment.

**Mr. CONNOR HOGAN:** I beg to second.

**Professor O'SULLIVAN:** Does the Leas-Cheann Comhairle now accept this amendment from Deputy Cooper?

**AN LEAS-CHEANN COMHAIRLE:** I accept this amendment.

**Mr. A. BYRNE:** Before this matter proceeds any further I wish to draw attention to a decision which you have already given. You gave Deputy Redmond permission to move this amendment. Now, a private member stands up and questions your ruling and puts forward a new case. I want to know whether a private member has the

right to question your ruling and make you reverse it on a new point raised by another Deputy?

**AN LEAS-CHEANN COMHAIRLE:** Deputy Byrne has made a mistake; I did not accept the amendment from Deputy Redmond. The matter was under discussion, and there was no ruling given on it.

**Captain REDMOND:** I presume that at long last I am in order. I do not know really why various Deputies have been so anxious for me not to be in order.

**Professor MAGENNIS:** For the sake of order.

**Captain REDMOND:** Deputy Professor Magennis says it is for the sake of order. I am glad he is a custodian of order, and I hope he will always remain so. I have really nothing further to add to what I have already said in regard to this Section. The amendment that has been proposed by my friend, Deputy Cooper, contains wording which is taken directly word for word from the Report of the Judiciary Committee. Now I am glad to see there is a fuller Front Bench than there was during most parts of the discussion of the Section, and perhaps I may once more repeat, in as short a manner as possible, the various questions I have asked and which have been unanswered.

I notice there is now an exodus from the Government Benches, and no wonder, because they have refused to reply to one of my questions. If that is the way that they think they are going to carry on Government, even in this country, they will very shortly find out their mistake. However, the questions are briefly these: Why have they departed from the Judiciary Committee's Report in respect to the Rule-making Authority of District Courts, and not in regard to the Rule-making Authority of the other Courts? Why are the District Justices who are to be on this Rule-making Authority to be nominated by a Government Minister and not elected by the District Justices themselves? Why is it that it is only their assistance that is asked for, and not their concurrence?



Why is it, in effect, that the Minister for Home Affairs is to be made the sole Rule-making Authority for District Courts? I am entitled to ask these questions. Members of the Government may smile, if they like, but one cannot carry on Government in that fashion. The Government have got to answer questions, reasonably-grounded questions, and I say that there is grave reason for these questions.

In the first place, District Justices are Judges under the Constitution, and under the Constitution Judges are to be independent of the Executive of the day, and the Rule-making Authority to set up the rules in the Courts, over which these Justices are to preside, should be equally as independent in authority as the Government have thought fit to make a Rule-making Authority in regard to the High Court and the Circuit Court. What, again, is the reason for the differentiation in regard to the District Courts? That question has been left unanswered, and I ask once more for an answer to it. We are entitled to an explanation. If we think the explanation is a sound one, and if we think it is one that merits the distinction of the change, why, therefore, we are in a position to determine our action in the matter; but is the Dáil to be asked seriously to pass a Section of a Judiciary Bill differentiating in principle from other Sections in regard to the setting up of other Courts, and to the creation of other Judgeships, without being told why that is the case? I think it is asking too much, even of an assembly where the Government have—or think they have—such an enormous preponderance and weight. I think it is only fair that Deputies and the country should know why this distinction is made. That is all I am asking. It is not a very large request. It is not a very unreasonable one. It is not an impossible demand. It is not a trivial demand. It is not a cheap demand. It is a demand pertinent to the matter we are now discussing, and which should and must be cleared up by the Government before they proceed with any further stage of the Bill.

**Major COOPER:** Perhaps I should

explain why I propose the amendment or became its sponsor. I do not think the Government is treating us quite fairly. It is quite possible some of Deputy Redmond's questions are unanswerable, or could not be answered without the careful consideration that the Attorney-General has promised to give to questions which have arisen here. But surely the Government know why they departed from the Report of the Judiciary Committee. Whenever anybody moved an amendment at variance from that Report, the Report has been used to belabour the mover of the amendment. Surely we can ask the Government to give some sort of reason why they have taken this action. I am not anxious to obstruct the Government. I want to see them getting this Bill through to-night. I think they would be treating the Dáil much more fairly by giving an explanation.

**ATTORNEY-GENERAL:** I thought I had made the matter very clear. The Minister for Home Affairs, as I explained on a previous occasion, is brought into these Rule-making Authorities in order that the Rule-making Authority may be exposed to the questions of Deputy Redmond and others. If he were not brought in as part of the machinery for making rules, Deputy Redmond and other Deputies could not ask questions.

**Mr. JOHNSON:** Part of the machinery?

**ATTORNEY-GENERAL:** He is here responsible to the Dáil, and he is the link between the expert technical people who draft these Rules and the Dáil. Having satisfied himself that he can stand over those Rules, he lays them on the Table here, or would lay them on the Table if my offer had been accepted. Then they would be here for the Dáil to criticise, and Deputy Redmond can ask three or more questions if he wishes.

**Captain REDMOND:** Why the whole authority?

**ATTORNEY-GENERAL:** He is the responsible authority. If Captain Redmond were part of the constitutional machinery elsewhere he must ap-

[Attorney-General.]

preciate what the functions of Ministers in relation to these matters are, or the manner in which they become responsible, or assume responsibility for the purpose of criticism in a representative assembly. The departure in other respects I have already explained, so that as regards solicitors, as the District Justices include both Barristers and Solicitors, it was not thought necessary for that reason, as both professions were represented, that additional representation should be given. I had undertaken to consider that matter before this amendment was moved. As regards the method of selection I had already explained, and I think the explanation is a reasonable one, and must appeal to every reasonable person, that the matter in hand is not the control of the District Justices. It is the drafting of technical rules of procedure, and the choosing of persons to draft documents by election from a body of 30 or more persons is an unheard of thing. We choose technical persons for their technical skill and their selection is not to be a tribute of respect to be paid to the father of the body of District Justices, or to any other particular persons amongst them. They were to be chosen only for their capacity to draft rules. The rules, if my offer had been accepted, would be here at the mercy of Deputy Redmond or Deputy Magennis to criticise them. But to chose persons for technical work by election, if that is to be an understanding of democracy, well—

**Mr. JOHNSON:** The Attorney-General has surely forgotten Part I. of Section 36 and Part II., of Section 66, 67 and 68. Everything he said in regard to this proposition of Deputy Redmond is contradicted by the practice set out in these other rules regarding the other Courts.

**ATTORNEY-GENERAL:** May I interrupt for a moment? I explained previously in regard to these that we were dealing with Judges who were accessible. Here we are dealing with District Justices scattered all over the country. Regard must be had to their accessibility and the possibility of their giving time and attention to making

arrangements perhaps to fill the vacancy while the man is away. In dealing with the High Court you have the Judges here. In dealing with the Circuit Courts you have a small number of Judges easily accessible. But in dealing with 30 District Justices all over the country, to suggest that ballot papers be sent to them to select persons who are capable of drafting rules is certainly a most original proposition.

**Mr. JOHNSON:** There may be difficulties that the Attorney-General can see on the part of the various District Justices, in selecting somebody to act for them. I think if he will consult with some of those who have been acting as Ministers for a year or two, he will learn that they have found it possible to get over even greater difficulties than that. But that is not the point. The point is not the particular method of selection. The point is that there is to be a difference in status—no, not status, because that is quite understood—but a difference in the relations indicated in respect of District Justices as compared with Circuit Judges and the High Court Judges in their relation to the Ministry. The proposal that I would like to see adopted is that some such machinery—I am not very particular whether it is five Justices or two practising Barristers, or who it may be—but I want to see something approximating to the method of appointment of this Rule-making Authority—approximating to that in operation in respect of the other Courts. I think it is unfortunate that the suggestion should be there, that there is a distinction between this class of Court and that class of Court. We are concerned in this because of the fact that it is the Court which will affect the great majority of the people, more so than the Higher Courts. I think we ought to endeavour to ensure in every way, that the District Justices' position in the State will be as independent of political authority as the High Court or the Circuit Court. As to how that is to be done I am not very much concerned. As to the constitution of that authority, I am not very much concerned, provided that the Rule-making Authority is not to be confined

to the Minister for Home Affairs or any other Minister for the time being. I recognise the importance of having the Minister for Home Affairs represented on that authority. But the Bill, as drafted, says that he is the authority and the Rules that may be made to-day may be annulled and altered at some future time. Consequently I feel strongly that some change should be made, and a really radical change should be made in the Bill as presented, so as to make it conform to the plan outlined in respect of the Circuit Courts. Now, in respect to the amendment that has been put forward, I think it is too important a matter to be decided without the amendment having been placed in our hands. It is unfortunate that amendments have not been put forward to this Section. I think it would be very much better that any amendment should be deferred until we come to the Report Stage in this matter, so that the terms of the amendment will be in our hands before we are asked to vote. Otherwise, I do not think it would be wise. I would not be prepared to vote upon the amendment which has been read out, because I would like to consider it much more carefully than one is able to do by merely hearing its phraseology. I think the whole matter can be discussed fully and the amendment can be considered quite effectively, and with much more chance of due consideration been given to it, if it is deferred until the Report Stage. Meanwhile, notwithstanding the threats or withdrawal of his offer, the Attorney-General may possibly submit an amendment of his own, and I think any Deputy interested in the matter can well put forward suggestions on the Report Stage.

**Mr. DARRELL FIGGIS:** There is one question which has been addressed to the Attorney-General, not three times, but four times, which he has not answered at all. One noticed the Attorney-General stepping rather nimbly among the questions put to him and definitely avoiding some of them, but there was one question put to him and it is important that the Dáil should have an answer to that question, and that is: Why was the recommendation of the Judiciary Committee changed? Vol. 5.

Why was a change made in the report of the Judiciary Committee in the drafting of this Section of the Bill? That is important. There has been a clear and very definite change, and if the reasons prompting that change were given to the Dáil they might appear to be good and sufficient; but whatever these reasons were the Dáil should be made acquainted with them, and the Dáil could be acquainted with them by no better person than the Attorney-General, because he was a member of that Committee. The Attorney-General is responsible for the wording of the amendment which Deputy Redmond moved. He signed the very words by which that recommendation was made to the Government, and now he comes here and is standing for a form of words that means a change upon the original proposal he himself made. If there be such a change made by him surely the Dáil should be told by him why he has seen reasons to change his own opinion, because the amendment now before the Dáil is one to which he originally put his signature.

**Major COOPER:** The Attorney-General will be, perhaps, surprised to know that a thing which he says was impossible to be done was actually done. He says it is impossible to ballot District Justices and to get them to appoint their representatives. This thing was done for the purpose of making Rules about five years ago, when there was discontent among the Resident Magistrates and when some felt that they were about to enrol themselves under Deputy Johnson. To avoid this the Government set up a sort of Whitley Council, and the Resident Magistrates elected representatives and sent them here to discuss their conditions of employment. Now if it was possible for Resident Magistrates to do that, why should it not be done by District Justices? I am much impressed by what fell from Deputy Johnson, and if the Attorney-General will give an undertaking that we will have an opportunity of discussing this on Report, I will withdraw my amendment. We would all like to have an opportunity of considering this matter. I am afraid we all spoke

[Major Cooper.]

on this subject with rather more force than was desirable, and if the Attorney-General gives an undertaking to bring the matter up on the Report Stage, when we shall have a full opportunity for discussing it, I will ask leave to withdraw my amendment.

**ATTORNEY-GENERAL:** I have offered to bring up on the Report Stage, a new proposal submitting these Rules entirely to the Dáil, and I offered to consider on the Report Stage other propositions in regard to associating other persons with the Rule-making Authority. These offers have been rejected none too graciously. However, I take it this amendment is withdrawn, and if that is so I shall revive my offer, and the matter will then be open for discussion again on Report Stage. In answer to Deputy Figgis, I thought I had explained the reason it was considered more feasible in choosing technical persons to choose them by this method of selection rather than by election. This is a very different thing, choosing people for technical skill in legal matters, from the Whitley Council.

Amendment, by leave, withdrawn.

Question: That Section 91 stand part of the Bill, put and agreed to.

#### SECTION 92.

Such Rule-making Authority may at any time and from time to time after the passing and before or after the commencement of this Act make Rules to be styled "District Court Rules" for carrying into effect this Part of this Act (except the hearing by the Circuit Court of appeals from the District Court and the hearing by the High Court of Cases stated by the District Court), and may annul or alter such Rules and make new Rules. In particular Rules may be made for all or any of the following matters, viz., for regulating the Sittings and the Vacations and the Districts of the Justices and the places where proceedings are to be brought and the forms of process, summons, case stated, appeal or otherwise, and the conditions which

a party who requires a case stated or an appellant must comply with on the Civil side or the Criminal side or in Licensing cases as the case may be and the Practice and Procedure of the District Court generally including questions of costs and the times for taking any step in the District Court and the use of the National language of Saorstát Eireann therein and the fixing and collection of fees and the officers and offices to be attached to the Court with the adaptation or modification of any statute that may be necessary for any of the purposes aforesaid and all subsidiary matters.

**Mr. DUGGAN:** I beg to move an amendment. In lines 41 and 42, to delete the words "and the officers and offices to be attached to the Court."

The effect of the amendment is to exclude from the operations of the Rule-making Authority the control of the officers and offices for the reason, that it is felt they should be properly under the control of the Oireachtas rather than the Rule-making Authority.

Question put and agreed to.

Question: "That Section 92, as amended, stand part of the Bill," put and agreed to.

Amendment 50 (Deputy Hewat) not moved.

Section 93 (Sanction of Rules) was agreed to and added to the Bill.

#### PART IV.

#### APPEALS PENDING TO JUDGE OF ASSIZE.

#### SECTION 94.

"All appeals and other applications to Judges of Assize pending at the commencement of Part II. of this Act shall be heard and determined by such Judge or Judges of the High Court as shall be nominated for the purpose by the President of the High Court, and at such times and places as the Minister for Home Affairs shall, by order, prescribe and direct."

**ATTORNEY-GENERAL:** The follow-

ing amendment is in the name of Deputy Duggan.

Schedule 1. Before the schedule to insert a new Section as follows:—

#### PART IV.

#### MISCELLANEOUS TRANSITORY PROVISIONS.

“ Unless and until otherwise determined by the Oireachtas, all Registrars, clerks and other officers attached to the existing Supreme Court of Judicature or to the Lord Chief Justice in the exercise of the jurisdiction in Lunacy vested in him and to the Courts of existing Recorders, County Court Judges and District Justices shall continue to discharge their duties as heretofore or duties analogous thereto and shall have the same rank and hold their offices by the same tenure and upon the same terms and conditions and receive the same salaries and, if entitled to pensions, be entitled to the same pensions as if this Act had not passed: Provided that the distribution of business among such officers and the duties to be discharged by them severally and any re-arrangement connected therewith shall be regulated, controlled and directed in each case respectively by the Rules of Court, Rules of the Circuit Court, and District Court Rules, to be made under this Act. Nothing in this section shall prejudice the rights of any officer under Section 10 of the Articles of Agreement for a Treaty between Great Britain and Ireland signed at London on the 6th day of December, 1921.”

The amendment is the heading to the schedule, and as a matter of fact it contains a number of misprints. It is to be read before Section 94, and it is to delete the heading Part IV. “ Appeals pending to a Judge of Assize,” and to insert a new heading and a new Section, “ Part IV. Miscellaneous Transitory Provisions,” then Section 94 becomes Section 95, and then comes this new Section, which is intended to transfer to the Courts, pending the re-organisation of the staffs and establishment, the existing staffs of the Courts.

**Mr. DUGGAN:** I move that amendment.

**ATTORNEY-GENERAL:** With reference to the operation of the Act which is now somewhat extended, as will be observed from the new heading on the Report Stage. it is proposed to bring up a new Section dealing with existing Judges and Magistrates whose age might disqualify them under the Bill from serving so as to enable their services if considered well to be retained.

Question put and agreed to.

Question: “ That the new Section stand part of the Bill,” put and agreed to.

Section 94 put and agreed to.

**Major BRYAN COOPER:** I beg to move the following amendment to the Schedule: “ To add ‘ Sligo ’ to Section 4.” I think I might also take the following amendment, which is consequential on this one. It is to delete “ Sligo ” in Circuit 5, and to insert in lieu thereof “ Longford.” The object of the two amendments is to take Sligo from one Circuit and put it into another. When I read the Schedule, I discovered that those responsible for it had left out altogether the County Longford. The Attorney-General talked the other day of some people not having read the Bill. Well, I think there must have been someone in his office who neglected to read the last draft of it, otherwise I do not see how the County Longford could have been omitted. The point is that Longford has to be fitted in somewhere now. It must be put into some Circuit, and the object of these two amendments is to make a case for the re-arrangement of Circuits 4 and 5. What I suggest is to take Sligo out of Circuit 5 and put Longford into that Circuit, which, in my opinion, would be the natural one for it. Longford borders on Roscommon and Westmeath and would, I think, fit in suitably with these two counties. Then, what I suggest is that you put Sligo in with Mayo and Galway. Already, even without Longford, No. 5 Circuit is a very large one. It stretches from Sligo to Leix. The President, the other day, remarked that the Circuit Judges would be kept

[Major Cooper.] moving about. Certainly the Judge on this Circuit will have a big area to cover, and will have plenty of moving about to do. In the old days there were about twenty-three Petty Sessions Courts in the area comprised in Circuit 5, so that a Circuit Judge spending a fortnight disposing of business in each of these places would be occupied for practically the whole year. The second reason that I have in mind for taking Sligo from Circuit 5 is that Sligo has very little in common with Leix and Offaly, which are inland counties. Leix, as Deputy Davin told us some weeks ago, is a great barley growing county, and its interests are altogether different from Mayo and Galway, which are seaboard counties. I think that Sligo would fit in more suitably with these counties than with Leix or Offaly. If Mayo and Galway were to comprise one Circuit, the Circuit, I am afraid, would be a poor one, and on the whole it would not offer great rewards to the Bar. By putting in Sligo with these counties it would be possible to make the Circuit a fairly prosperous one. I suggest that the arrangement I propose is a very practicable one, because if you take Claremorris as a convenient centre in the Circuit it is quite easy to reach Sligo, Galway, or Mayo from it. A two hours' railway journey from Claremorris would take you to any of these places. I would earnestly urge the Government to accept these amendments which I am now putting forward.

**ATTORNEY-GENERAL:** As regards the omission of Longford, I am afraid the printer must have thought that Longford was still a matter for the Minister for Defence. The Judiciary Committee included Longford in Circuit 5 in the Schedule to their report, and that report was sent to the printer with this draft of the Bill. The population set out in the Schedule includes Longford. As regards the other matter, whether Sligo should be in Circuit 4 or Circuit 5, Mayo and Galway are pretty large propositions in themselves. We have gone more or less on a population basis, but I am quite willing to have the matter examined and to dis-

cuss it with Deputy Bryan Cooper, who, I believe, is familiar with that part of the country.

**Major BRYAN COOPER:** I think it would be a very good idea if the Attorney-General were to discuss the matter with the present County Court Judge for Sligo. He lives in the King's County and knows how far he has to travel.

**ATTORNEY-GENERAL:** The matter has already been very carefully considered. We have had maps and plans before the Judiciary Committee in drawing up this scheme.

**Major BRYAN COOPER:** I accept the Attorney-General's assurance, and I beg to ask for leave to withdraw my two amendments.

Amendments, by leave, withdrawn.

**Captain REDMOND:** I beg to move the following amendment to the Schedule: "In Circuit 5, to add 'Longford' and re-arrange into ten areas instead of 8."

In moving this amendment, may I say that my intention was to place the Schedule in conformity with an amendment which I had hoped might have been carried to Section 37, Part 2. As that amendment was not carried, and as the Circuit Judges are now limited to 8, contrary to the Judiciary Committee's report, which did not propose a maximum of 8, but which proposed a minimum of 8, but as they are now limited to 8, contrary to the Judiciary Committee's report, I do not see the purpose of proposing 10 Circuits. When proposing an amendment that the Circuit Judges should not be limited to 8, I did get an assurance from the President that should the necessity arise the Government would come to the Dáil and would ask for powers to create new Judgeships, and would not, as I feared might happen, go in for creating posts of emergency men, who would be nothing but the minions of the Government of the day, and who would not be in any respect independent of the Executive as they should, and are supposed to be, by our Constitution. That being so, I would ask for leave to withdraw the amendment.

**ATTORNEY-GENERAL:** You withdraw the amendment in so far as it

proposes to create ten Circuits, but not so far as it includes Longford.

Amendment to add Longford to Circuit 5 agreed to.

Amendment to "arrange into ten areas instead of 8" by leave withdrawn.

Question—"That the Schedule, as amended, stand part of the Bill"—put and agreed to.

**Mr. GOOD:** Some time ago the Minister for Home Affairs promised that he would put before us a financial statement in connection with this Bill, but so far it has not reached us.

**MINISTER for HOME AFFAIRS (Mr. K. O'Higgins):** I have not forgotten the promise. The statement will be circulated shortly.

#### TITLE.

An Act for the establishment of Courts of Justice pursuant to the Constitution of Saorstát Éireann and for purposes relating to the Better Administration of Justice.

Agreed to.

#### DAIL RESUMES.

Bill reported; Report Stage ordered to be taken on Wednesday, 21st November.

#### KIDNAPPING IN CO. CLARE.

**Major BRÝAN COOPER:** I beg to move the adjournment of the Dáil. I believe there is no objection to the motion I am making. I cannot help thinking that we are not now in the right frame of mind to resume the discussion on the resolution of thanks to the Governor-General's Address. Even if we were to resume the debate we would only have a comparatively short time for it, so that I think that it is better we should not take it up now.

**Mr. CONNOR HOGAN:** I gave notice earlier that I would raise on the Motion for the Adjournment the question of the presence of armed brigands in the County Clare, and that I would refer to certain cases of kidnapping.

In doing so, I do not in the least wish to censure or indict the Minister for Home Affairs in any way whatever. We all understand the very difficult task he has had, and that he performed it in a very satisfactory manner. At the same time, I think cases like those I have in mind should be brought directly to his notice. It is atrocious that such a state of affairs should exist in any county, and what I ask is—that remedial measures be provided against a repetition of such occurrences in the future. Two distinct cases of kidnapping occurred. The first was that of Mrs. Crowe, of Moyreisk, who was taken forcibly from her home on 23rd September. This was a poor defenceless lady who was blindfolded and forced away from her home. She was taken along the byeways and had to walk a considerable distance, and at last was put in an insanitary hovel, where she was detained for some days. The reason for that, I understand, is that she was held to ransom, and that a sum of something like £400 was demanded for her. It was put up to herself personally, but she refused. A certain individual—I cannot give his name unfortunately, but in any case I had it from the Minister for Home Affairs in reply to a question—approached a solicitor in Ennis on the same subject. Surely this man who approached the solicitor is an accessory to this thing? There was a second case of kidnapping. The subsequent week eleven young men in that area were taken away by upwards of a score of masked and armed men in four motor cars and a lorry, and brought a considerable distance to Fenloe House, where they were subjected to very harsh and brutal treatment. I have placed in the hands of the Minister a statement which one of these men made to me. I did not solicit the statement. He came a considerable distance to ask me to intervene and prevent a recurrence of this sort of thing. The Minister, in reply to a question which I put this afternoon, said there was reason to suppose that they were English friends of Mrs. Crowe.

**MINISTER for HOME AFFAIRS (Mr. O'Higgins):** I did not state there

[Minister for Home Affairs.]

was reason to suppose that they were English friends of Mrs. Crowe. I stated that they themselves announced that they were friends of Mrs. Crowe from England, which is a very different thing, the Deputy will agree.

**Mr. HOGAN:** I accept the correction. The attackers, he said, represented themselves as friends of Mrs. Crowe from England, and spoke with English accents. I ask: Can such a proposition as that be sustained? I do not think so. I do not think it is possible that Mrs. Crowe could procure friends from England. In any case how could they come armed or did they procure arms? How were they able to move round County Clare with immunity and never come in contact with State forces? There is something mysterious surely in their presence there, and they seem to have departed quite as mysteriously. It is true they left a very bad impression on the bodies of the persons they kidnapped. Did they leave no trace, no clue to disclose their identity? I do not want to be taken as standing up for this sort of thing. The sooner this country gets down to a law-abiding state the better. I am urging on the Minister to have exceptional steps taken to end this state of affairs. If there are two sets of criminals everyone must agree that they are native criminals, and that they did not come from abroad. The sooner they are forced to live as law-abiding citizens and that the country cannot be disturbed by their factional disputes, the better.

**Mr. O'HIGGINS:** There is nothing in the statement that the Deputy has made, nor in the typed statement which he has handed to me, that was not already at my disposal in reports from the Civic Guard Headquarters. I want to stress the fact that when this afternoon, in answer to a Question, I made a statement that these men announced they were friends of Mrs. Crowe from England, I was in no way endorsing or mentally accepting that statement. But it is true that that statement was made

by the men, and it was relevant to the Question that was asked this afternoon.

**AN CEANN COMHAIRLE** resumed the Chair at this stage.

**Mr. O'HIGGINS:** Inquiries are proceeding in this case. I admit it is not a proper or normal state of affairs that an outrage of that kind could occur in a county with so little in the nature of evidence forthcoming afterwards, but we are dealing with the real rather than with the ideal. That is the fact. This outrage has occurred, and up to the present it has not been possible to bring definite evidence that would stand test in a court of law against any person or persons in connection with it. Many of these persons who were kidnapped are themselves reluctant to assist in any way in tracing the perpetrators of the outrages. The one statement that has been handed to me, while it is prolific in details as regards the injuries and insults offered to the kidnapped persons, is singularly lacking in helpful evidence. There is one name mentioned in connection with the affair, and in so far as that is helpful it will be followed up, and followed up in a very determined fashion.

**Mr. HOGAN:** Thank you.

**Mr. O'HIGGINS:** The Deputy ought not to confuse that vague thing called "common knowledge" with legal proof. There is a good deal of common knowledge throughout the country as to who the perpetrators of particular outrages are, or probably are, and yet, we cannot just hail a person before a court and say the whole countryside knows that it was he did such a thing. You have got to have legal proof. It was to meet such a situation that certain powers were asked for under the Public Safety Act. If we come to the conclusion that certain persons committed this outrage, if we are reasonably sure that they did so, then in the absence of evidence that would constitute legal proof, the powers that have been given by the Dáil to the Executive under the Public Safety Act will be used, and used to the full.

The Dáil adjourned at 6.55 p.m.



# DÁIL ÉIREANN.

DÉ HAoine, 2<sup>ADH</sup> Mí NA SAMHNA,  
1923.

(Friday, 2nd November, 1923.)

Do chuaidh an Ceann Comhairle i gceannas ar a 12 a clog.

## CEISTEANNA.—QUESTIONS.

### [ORAL ANSWERS.]

#### NEWBRIDGE SOLDIER'S REMUNERATION.

**AODH O CULACHAIN** asked the Minister for Defence whether he is aware that Private John McCarthy, Army No. 48490, who joined the National Army in Newbridge, and was attested in Trim on the 20th April, 1922, and resigned in Mullingar on the 20th September, 1923, was on re-attestation transferred to the Engineers' Corps on the 2nd October, 1922, working as a blacksmith; whether this soldier, on transfer, was paid at the corps rate of £2 5s. 6d. per week, and, if not, whether the Minister will issue orders to have the arrears due paid as soon as possible.

**MINISTER for DEFENCE (General Mulcahy):** The arrears due to Private McCarthy, in respect of his employment as a blacksmith in the Army, have now been paid.

#### HAULBOWLINE DOCKYARD CANTEEN.

**TADHG O MURCHADHA** asked the Minister for Defence what is the reason for the refusal of the Officer Commanding at Haulbowline to transfer the licence for the wet canteen at the Dockyard to the manager of the canteens, in accordance with previous practice, and whether it is proposed to close the wet canteen or make other arrangements.

**General MULCAHY:** The renewal of license or other arrangements in connection with the Dockyard canteen at Haulbowline is not a matter for the

Army, whose requirements are already met by a canteen run for the purpose by an Army canteen contractor on the island.

#### POSITION OF LANDLORD AND TENANT UNDER LAND ACT.

**Mr. P. J. EGAN** (for Mr. Louis J. D'Alton) asked the Minister for Agriculture whether, in the case of a tenant who has been getting an abatement from a landlord for a number of years, reductions under the Land Act, 1923, are to be made under the abated rent or the old rent; whether, in the event of a dispute between landlord and tenant as to the real rent, what is the procedure as to settling the question.

**MINISTER for AGRICULTURE (Mr. P. Hogan):** Section 22 (3) of the Land Act, 1923, provides that in any case where an abatement of rent has been allowed by the landlord and where an agreement for an abated rent constitutes an agreement for a new rent then the reductions under the Land Act, 1923, are to be made from the abated rent and not from the old rent. The question whether the agreement for the abatement amounts to an agreement for a new rent is a question of fact in each case, which in the event of a dispute between the landlord and tenant can only be decided by the Judicial Commissioner who will hear both sides.

Receivable orders to enable tenants to pay compounded arrears of rent and payment in lieu of rent are issued by the Land Commission in accordance with the particulars of the rent as furnished by the landlord under Section 22 (1). If a tenant questions the accuracy of these particulars as regards the amount of the rent, he can proceed to have the matter determined under Sub-section (3) of Section 22 as explained above.

Rules 3 and 4 of the prescribed rules of the Land Commission, dated 18th August, 1923, prescribe the procedure necessary to obtain the decision of the Judicial Commissioner on this question. The procedure is as follows:—A tenant may lodge an objection in writing with the Land Commission setting

[Minister for Agriculture.]

forth the grounds of his complaint. A copy of the objection is furnished by the Land Commission to the landlord. If the tenant's contention is not agreed to by the landlord, or the objection is not withdrawn by the tenant, the objection will then be listed for hearing before the Judicial Commissioner. The Rules referred to may be purchased from Messrs. Eason & Son, Dublin.

### MULLINAHONE POSTAL DELIVERY.

**Mr. LOUIS J. D'ALTON** asked the Postmaster-General if he would arrange to have the postal delivery in the district of Mullinahone, which was suspended in June, 1922, resumed.

**POSTMASTER-GENERAL (Mr. J. J. Walsh):** Delivery in the case of two posts in the Mullinahone area has been suspended since July, 1922, following the suspension from duty of two auxiliary postmen as a consequence of their connection with Irregular activities. Unfortunately it has not been possible to provide for the deliveries, as no person is willing to perform the duties owing to local intimidation.

The matter is being kept under notice, and every effort is being made to restore the deliveries at the first available opportunity.

The Military Authorities have, so far, been unable to agree to the reinstatement of the suspended postmen.

### WRITTEN ANSWERS.

#### DISCHARGED SOLDIERS' UNEMPLOYMENT BENEFIT.

**AODH O CULACHAIN** asked the Minister for Industry and Commerce whether he is aware that Corporal Christopher Mullaly, Army No. 218, and Unemployment Book No. 97634, who joined the National Army on the 12th July, 1922, and was discharged 29th September, 1923, after signing (for fourteen days) the Unemployment Register at Droichead Nua, was informed that he was not entitled to benefit, although he was drawing benefit prior to enlistment, and had one week's benefit to his credit; whether, as this man is unable to find employment,

enquiries will be made with a view to payment, and also instructions given to have such cases thoroughly investigated and payment expedited.

**MINISTER for INDUSTRY and COMMERCE (Mr. J. McGrath):** With reference to your starred question for Friday, the 2nd instant, on the subject of Corporal Christopher Mullaly's claim to unemployment benefit, I have had enquiry made and find that as no contribution under the Unemployment Insurance Acts was ever paid for him before he joined the Army, he is not eligible at all for unemployment benefit under the Unemployment Insurance Act, 1923. He has previously received Uncovenanted Benefit, i.e., benefit not supported by contributions in the years 1921 and 1922, but all schemes of Uncovenanted Benefit have been definitely terminated, and, as you are aware, benefit is now only payable strictly in proportion to unexhausted contributions. No contributions are payable by the Army in respect of Mr. Mullaly's army service, because he was not normally engaged in an insurable occupation before he enlisted.

In the above circumstances it will be appreciated that there is no ground whatever for the suggestion in the last part of your question that any such cases are not thoroughly investigated and promptly paid where payment is due.

#### BANDON OLD AGE PENSION CLAIM.

**TADHG O MURCHADHA** asked the Minister for Local Government whether he is aware that the old age pension of 6/- per week granted by the Bandon Pension Committee to John Trahy, Watergate Street, Bandon, was, on appeal, disallowed on the grounds that Trahy's wife carries on business in a licensed house; whether he is aware that the proceeds of the business would not suffice to support one person; whether Mrs. Trahy has also to support her daughter, and whether he will have the case further investigated with a view to allowing this claim.

**MINISTER for LOCAL GOVERNMENT (Mr. J. Burke):** Mr. John Trahy, Watergate Street, Bandon,

claimed an old age pension and was allowed, on the 29th September last, a pension of 6/- a week by the Bandon North Pension Sub-Committee. An appeal was lodged for a higher rate by the claimant, and also one by the Pension Officer against a grant of any pension. The means consist of the profits of a licensed house at Whitegate Street, Bandon, and £13 a year in respect of a son killed in the European War. The question at issue was limited to the estimate of the profits from the licensed house. The Pension Officer, in his report, estimated the profits at £100 a year, and he furnished details of the sales. The claimant did not furnish an alternative estimate, but stated that no allowance had been made for daughter's help in the shop.

£100 a year appeared to be a very moderate estimate of the profit from the sales, even after a reasonable allowance for the daughter's services, and the claim to a pension was accordingly disallowed on the 27th ultimo. A further inquiry does not seem necessary, as the main facts are not in dispute.

### PRIVATE QUESTION.

#### WORKING OF THE LAND ACT.

**SEOIRSE MacNIOCAILL** asked the Minister for Agriculture for information as to the working of the Land Act, 1923, with such particulars as are available as regards the collection of compounded arrears of rent.

**Mr. HOGAN:** Immediately on the passing of the Land Act Notices were published in the public Press that the Land Commission was empowered to collect from tenants "compounded arrears of rent" and "payment in lieu of rent," and landlords, agents and receivers were therein notified that they should apply to the Land Commission for forms on which to furnish particulars to enable such arrears and payment in lieu of rent to be collected. A Notice was at the same time published explaining to tenants their position as regards the payment of compounded arrears of rent.

Provisional rules as to the collection of arrears and payment in lieu of rent

and as regards the procedure to be followed under the Act have also been published.

Up to the present the Land Commission have been furnished with particulars on the prescribed forms of the arrears of rent due by some 81,000 tenants on 4,400 estates. The amount of compounded arrears payable by each tenant has been calculated, and so far some 54,000 receivable orders have been prepared and issued to the tenants on approximately 3,500 of these estates to enable them to pay the first instalment of their compounded arrears. Receivable orders in the remaining cases are being prepared and issued as rapidly as possible. Up to date the sum of £135,000 has been lodged by the tenants to whom receivable orders have been issued, and arrangements are being made to pay it out to the parties entitled.

As little more than a month has elapsed since the first of the receivable orders for the payment of arrears was issued, the collection to date must be regarded as highly satisfactory, and the Land Commission anticipate that the collection of compounded arrears generally will be equally satisfactory.

The instalments for the payment in lieu of rent are also being calculated and the receivable orders prepared, and already a number of them have been issued to the tenants.

In addition, landlords have been furnished with the prescribed forms to enable them to furnish the particulars required for the ascertainment of the lands to be vested in the Land Commission, and already these particulars have been furnished in several estates and they will be surveyed as soon as possible.

### QUESTION ON ADJOURNMENT.

**Mr. SEAN MILROY:** I wish to give notice that on the adjournment I will raise the question of the Boundary Commission to decide the frontiers between the Free State and the North-East of Ulster, with a view to securing a statement from the President on the matter before the adjournment of the Dáil.

## APPOINTMENT OF EXTERN MINISTERS.

**MINISTER for HOME AFFAIRS** (Mr. Kevin O'Higgins): I have to announce that the Ministers nominated by the Dáil under Article 55 of the Constitution have duly received their appointments—Mr. P. Hogan, as Minister for Agriculture; Mr. Seamus Burke, as Minister for Local Government; Mr. Fionan Lynch, as Minister for Fisheries; and Mr. J. J. Walsh, as Postmaster-General.

## STATEMENT BY MINISTER FOR FINANCE.

**Mr. DARRELL FIGGIS:** Before we start in upon the Orders of the Day, may we learn if it is the intention during the proceedings of the day for the Minister for Finance to make the Financial Statement which it was expected he might make yesterday, and which we learn was postponed until to-day?

**AN CEANN COMHAIRLE:** It is the intention of the Minister for Finance, I understand, to make a statement a little after one o'clock.

**Mr. DARRELL FIGGIS:** Will that statement be made during the debate on the Governor-General's Address, and will there be an opportunity for discussion afterwards?

**AN CEANN COMHAIRLE:** The statement will be made by intervention by the Minister for Finance in the debate on the motion for a resolution of thanks in connection with the Governor-General's Address. An opportunity for debate on the statement will be afforded. It is my intention not to preclude Deputies who have spoken on the motion before the Minister for Finance has spoken.

## GOVERNOR-GENERAL'S ADDRESS (MOTION FOR RESOLUTION OF THANKS).

**AN CEANN COMHAIRLE:** Major Bryan Cooper moved the adjournment of the debate. Therefore, he has the right to resume the debate.

**Major BRYAN COOPER:** When I moved the adjournment of the debate,

after Deputy Johnson's speech, more than three weeks ago, I did not anticipate that I would have time to go to Copenhagen and come back in order to verify Deputy Johnson's facts, and consequently I did not arrange to do so. I am content to accept Deputy Johnson's facts. In doing so, I might point out that Denmark is a very exceptional country. During the war Denmark and Holland were the back doors of Germany. They were in that respect very exceptional countries. The Germans had to get their stuff in there, and they had to pay any price the Danish people liked to demand from them. The result was that if the Danish quay labourers chose to ask for any increase of wages, the shippers were making such profits, that all they did or had to do was to put the price on to Germany. I am rather surprised to find that that condition has continued to the present day. I have no doubt that in both Denmark and Holland labour is very highly paid. They were neutral during the European war, and naturally they took advantage of that position.

Now, I propose to confine myself, in discussing the Governor-General's speech, entirely to one paragraph, and it is the same paragraph that Deputy Johnson dealt with—that was the paragraph dealing with unemployment and high prices. Those of us, at any rate, who went through the last election on an independent platform, and who were not under the necessity, as the Minister for Home Affairs was, of making the same speech over and over again, in defence of the Government's policy, found that the two things that really interested the electors were the questions of unemployment and the high prices of living.

This latter was sometimes more epigrammatically expressed in the statement: "Will you lower the price of the pint?" My general reply was that it was easier to lower the pint than the price. That is undoubtedly the paramount issue in the minds of the electors to-day. Deputy Johnson spoke on that matter, and I found myself, as I always do, in complete agreement with Deputy Johnson as long as he stuck to general principles; but when he proceeded to reinforce these

general principles by arguments and points of detail, I disagreed with him very violently indeed. If Deputy Johnson would only confine himself to general principles, and not bring forward any facts in support of them, I think we would agree. Now, to come to the question of the limitation of profits, I am one of the comparatively few Deputies who belong to a class who have had their profits limited for forty years, ever since the Land Act of 1881. I have no objection in principle to the limitation of profits. I am delighted to see that other people will get the same medicine as we have got.

In regard to the particular point of the limitation of profits, it is very easy to limit the profits of anything that cannot get out of the country. It is easy, for instance, to limit the profits of land, because it is there and cannot be removed. It is easy to limit the profits of a shopkeeper who does business in his own neighbourhood; but when you come to limit the profits of a business that has an export trade, it becomes exceedingly difficult. That is why I quarrel with Deputy Johnson's instances. He gave as one instance the firm of Messrs. Guinness. As I have already mentioned Messrs. Guinness—perhaps I ought to state that I have no direct interest in the firm, and my only interest is as an occasional consumer of their products—Messrs. Guinness do the bulk of their trade outside the thirty-two counties of Ireland. Two-thirds to three-fourths of their business is done across the Channel, and if you limit their profits to such an extent as seriously to interfere with their dividends and their business, they will then say that there are other countries in which profits are not limited, and chemical science has made such advances that they can probably do without the water of the Liffey and they may be tempted to remove their industry elsewhere. They may be tempted to sacrifice their trade in Ireland and remove their industry to a place where profits are not limited.

I do not see how the country is going to benefit by that. The workers of Dublin will not benefit by it. I do not think the barley-growers will benefit, and I am quite certain the Minister for Finance would be exceedingly un-

happy. That point has to be taken into account. Limit profits by all means, but it must be done carefully and scientifically. If you limit profits in a fashion merely to obtain popular applause and assert a principle, you will drive some of the few remaining industries out of the country. There was one remark of Deputy Johnson with which I find myself in perfect agreement. He said: "The whole question seems to me to require some kind of an assent to a proposition that human labour must not be treated in the same way and by the same logic and argument as all ordinary marketable commodities." There I agree with the Deputy, but as far as I know nobody proposes to apply the same logic and the same rules of political economy to human labour as to manufactured products. It is a maxim of political economy to buy in the cheapest market, but if anybody was proposing to carry out that in Ireland we would have Zulus working on the quays and Chinamen on the trams.

**Mr. JOHNSON:** It is working that way.

**Major COOPER:** It is not suggested that the employer imports cheap labour, but there is one form of logic to which human labour must yield, and that is the logic of facts.

And if it is a fact that work can be done more cheaply outside Ireland and people can live more cheaply outside Ireland, then that work will be sent out of Ireland and people will go and live outside Ireland, and they are doing so. That is one of the most serious factors of the present case, and it is due to the high cost of living, and it is also partly due to the disturbed state of the country. These things are driving people out of Ireland, and a great number of people are going out of Ireland, partly because it is a very expensive country to live in. Things cost more in the City of Dublin and other Irish cities than they do in Manchester, Liverpool or Belfast. Postage is more expensive, for one thing, and people who are not tied to this country, by the conditions of their employment, or their property, will undoubtedly tend to go away where they can live more cheaply. The exodus nowadays is not confined to one

[Major Cooper.]

class of the community, namely, the boys and girls, who throng the American Consul's office, in the desire to have their passports viséd. Professional men, doctors, barristers, auditors, are going away to England, and the only people who are remaining are solicitors and architects, because of the great amount of work that remains to be done in their particular line—reconstruction work—owing to recent destruction. Most of the class of people who tend to go away are those who have small incomes either from securities or from pensions.

In other days Government servants, bank managers, Local Government officials, and people of that class, when they got their pensions, came up to live in the County Dublin, but now they go away to Wales or France, to escape the heavy taxation and because a shilling goes further in these places than it does in Dublin. But that is not the only loss of expenditure in this country. We are paying compensation for damage to person and property, and except where there is a reconstruction clause attached, a great deal of this compensation money is being spent outside the country, and that has a most serious effect upon every class of the community. It has an injurious effect not only upon trade, but the fact that that money is going out of the country is a great factor in producing unemployment. I had hoped that the gracious speech we heard from the Governor-General might have recognised that very serious factor in our national life. You have only to walk outside this Dáil and pass into Grafton Street and O'Connell Street and you are struck with the number of empty shops in these great thoroughfares, even though quarter of O'Connell Street has been destroyed. Ten or fifteen years ago you could not possibly get an empty shop in Horse Show week in O'Connell Street or Grafton Street, yet when I was looking for Committee rooms at the last election I had a choice of four business premises to select from.

It is not only employment that is disappearing, but the taxation which would arise from monies spent on luxuries and other things is going also. People will not pay the Income Tax in

this country when they are only called upon to pay less tax across the water. The people are going to France in very large numbers. I am told that there is a large Irish colony at Dinard in Brittany, and also there is a large Irish population in the Channel Islands. I am not saying these things for the purpose of blaming the Government, but I hope they will bear this factor in mind. In making Ireland a country attractive for people to live in there is one factor that would contribute very greatly to that end, and that is the factor of taxation. One of the things that is driving the people out of the country is the fact that we have the heaviest taxation anywhere in Europe—I am not sure about Germany, but there the currency fluctuates so much that you pay your Income Tax as late as you can in the year, and sometimes you find that you have made a profit. But certainly of any place in this part of the world we have the heaviest Income Tax. As the Minister for Home Affairs asked in regard to the Northern Government joining with the Free State, why should the six counties want to pay sixpence more by ranging themselves with us? Of course, it will be better for the six counties in the long run to come in, as I hope they will, but they very properly ask at the present moment why they should unite with us in order to pay 6d. in the £ more in Income Tax. There is not one word in the Governor-General's speech about the heavy taxation. The country is bearing the heaviest taxation it can, and if the country is really to prosper that taxation must be reduced. I do not blame the Government for making promises they may not be able to fulfil, but I hope they will take this matter into their deepest and most earnest consideration. It is the bedrock of everything. It is at the bottom of the high cost of living. If the merchant in Cork, Limerick or Dublin has to pay sixpence in the £ Income Tax more than his competitors across the water, he is forced to extract that sixpence in the £, until we have a tariff system, out of the consumer, because he is not a philanthropist. Now, I have spoken at greater length than I intended, but I do want to put one or two points before the Government for their consideration.

I agree with Deputy McGarry who said in the Dáil some time ago that there was no use in laying down general propositions on political economy without suggesting some remedy. The remedy of course is bound to be a highly unpopular one in Government Departments. There are two suggestions I want to make, and in doing so I am sorry that the Minister for Finance is not here, but I hope that what I have to say will be conveyed to him. There are two ways, I think, in which he might divert some of the burden that falls on his shoulders. I know of course that he has immense responsibilities to bear, and that he has the most unenviable and unpopular post in the Government. Apparently he is not let go on any of the Government joy-rides, he was not taken to the Imperial Conference, nor did he go to Geneva. I may say that I have the greatest sympathy with the Minister for Finance, but what I am now going to suggest is in the hope of trying to lighten the immense burden he has to carry.

My first suggestion is that he should be assisted by a small Committee on the lines of the Geddes or the Incheape Committee, which should be set up to go into the estimates of every Department of the Government, and which should be asked to indicate where reductions can be made. I know that we have an Estimates Committee under our Standing Orders, but I do not suggest that the small Committee I propose should be composed of Deputies of this Dáil, or that even it should be a joint Committee representative of the Dáil and the Seanad. We are all very human, and we all have our constituents, and we might be slow to make a recommendation, even though we thought it right, which, perhaps, conflicted with the interests of our constituents. What I suggest is, that this small Committee should be composed of the three best men that the Minister for Finance can get, whether they be members of the Dáil or not. In my opinion there should be on the Committee a business man and a pensioned Government servant.

My reason for suggesting the appointment of a pensioned Government servant on the Committee is that we all

know the tricks and the camouflage that could be put before an enquiry of this kind if you had not on it some person like a pensioned Government servant who had inside knowledge of Government offices. You might also have one, if not two, business men on the Committee, with this pensioned Government official, which would go slowly and methodically through the estimates of every Government Department. Take one item of expenditure, the cost of travelling expenses. That is an item on which I believe there could be an enormous sum saved. The cost of travelling expenses in connection with the Board of Works, runs, I believe, to a colossal sum, compared with the return given for such expenditure. The Committee, I suggest, should go through the estimates for each Government Department in the same spirit as a business man trying to discover, from an examination of his accounts, why his business was not paying.

I do not suggest that the Minister for Finance should be asked to share all the responsibility for the Government's enormous expenditure, and for that reason I would suggest that he should ration each Government Department and discover how much money he can allow to each. He should be put in a position to tell the Minister for Home Affairs, the Minister for Agriculture, the Minister for Defence, the Minister for Industry and Commerce, and so on, that he was allowing each of them so much and that they would have to do with that particular sum. Such a system might mean that supplementary estimates would have to be introduced, but I believe if such a system were adopted you would be setting each department to carry out reforms inside itself, you would prune off the unessential and leave the essential, and most certainly, I think, the pruning knife is overdue.

**SEOIRSE DE BHULBH:** Do labhair Teachta Tomás Mac Eoin cupla lá ó shoin agus thug sé a lán figúiri duinn. Bhi sin maith go leór acht in a dhiaidh sin agus uilig nior shaoileas go dtug sé aon chómhairle duinn chun an cheist acraannach seo a shocrú. Tá a lán daoine gan obair fa lathair acht nior thais-

[Seoirse de Bhulbh.]

bean Teachta Tomás Mac Eoin duinn |  
cad é an doigh gur feidir linn é sin a  
leasú.

As Deputy Bryan Cooper remarked, we listened the other evening to an avalanche of statistics from Deputy Johnson. They were most interesting, of course, to all of us, but the impression left on my mind was that there was nothing constructive whatever in the speech. There was no suggestion, as far as I could discover in the speech, which would help in any way to relieve what is present in all our minds, namely, the problem of unemployment. The Governor-General in his speech recognised the importance of the matter, and the pressing need of meeting this problem. The longest paragraph in his Address was devoted to this subject. The Government put forward, in the speech delivered by the Governor-General, two special remedies. These were the construction of a larger number of houses in the country and the improvement of our roads. Both proposals are excellent in their way, especially the building of an increased number of houses. Anyone who goes through Ireland, especially the towns, and indeed through many of the country districts, must be impressed by this fact that there is an urgent need to have the housing conditions in Ireland vastly improved. It must be admitted, of course, that a great deal has been done in that direction during the last forty years, beginning with the Act passed by the Imperial Parliament about the year 1883; but still a vast amount remains to be done. When a start was made with the building of houses in Ireland a great many years ago they were let at a very low rent of about a shilling a week. That rent, of course, would not pay for the building or the cost involved in the erection of a scheme of houses. To do so it would be necessary to charge a rent of about 2s. 8d. per week, but the houses were let at 1s. a week, and the people in the districts in which these houses were erected were perfectly content to make up the balance in the rates, because they saw what an advantage it was to have houses provided for the labourers. That has been the record

for practically every scheme of houses erected in Ireland. Public bodies saw that houses were urgently necessary, and they were content to let them at a rent which meant a big tax on the local rates. Up to a certain point the country was quite prepared to pay its share, and rather more than its share, in the erection of houses, but it can no longer do so because of the high cost of materials and the other almost prohibitive costs involved in the carrying out of building schemes. Nevertheless, houses must be provided, and the Government recognise that this is a pressing necessity. The Government also recognise that the improvement of the roads of the country is an urgent necessity. None of these things, of course, will bring grist to the Government mill, but I would suggest that there are other ways of meeting this unemployment problem which, I believe, would bring in money to the Government exchequer. It is well known that there is a vast amount of potential wealth in the undeveloped water-power of Ireland and also in the development of our fisheries. I do not propose to touch on this latter aspect of our national resources, but I desire to say a few words on the development of electrical power, which has not been developed at all in Ireland so far.

There is a vast field of possible enterprise in that direction. I daresay a great many people have been aware that for a long time there has been a great deal written about what is called harnessing the river Liffey. Probably Deputies know something about that matter. I think it was opened first of all by an address given by Sir John Griffith in this very room on that subject a good many years ago. Quickly following upon that address a great many people formed themselves into companies and went down to the place and had interviews with the different riparian owners, of which I am one. They tried to bring those schemes forward. Of course they would not bring them forward if there was not some money in the enterprise. That stands to reason. When I was approached on the matter, I said that if it was to the advantage of the district I should be very glad to help in any way I could.



None of these schemes that have been brought forward seem to me likely to be of the least advantage to the district. They will be of great advantage to, shall I call them, the company-mongers, but to nobody else. The whole desire was to get in front of a scheme which would really be of advantage to the people, and which would cost much more than these schemes which these small companies bring forward on their own account.

Some of these schemes are of the most weird nature. There was one proposal to carry the river Liffey in a tunnel, diverting it from the falls of Poulaphouca, which is one of the beauty spots of the country, and leaving the river bed perfectly dry for a mile. This tunnel was to be carried through my place, partly through the ground and partly in the air. Naturally, I had rather an objection to this. Of course I am not the only person concerned. There are a good many others. I happen to own one side of the river, and on the other side there are a great many different owners. As a matter of fact all the schemes which were brought forward would absolutely ruin the beauty of Poulaphouca, one of the beauty spots of the country that many people visit and which might be developed in that respect much more than it is. All those schemes proposed to draw off the water from the river and leave it dry for about a mile, with a dry arch at Poulaphouca, which would naturally ruin the beauty of the place.

There is one scheme that has been put forward by Sir John Griffith which to my mind is a scheme worthy of attention on behalf of the Government. That scheme proposed to form a lake above Poulaphouca, which would give an even flow of water all the year round for the purpose of making electricity. The idea of these companies is to supply Dublin and the townships and the electric railways, and that beautiful railway called the Dublin and Blessington Steam Tramway, with electricity, which undoubtedly they could do at a very low rate. My position is this. It is rather a peculiar one. I am rather like the lady who was so bothered by her admirers that she was recommended by her medical adviser to go on board ship to get rid of them.

When she got on board ship she found that the captain and the crew gave her so much annoyance that she had to jump overboard to get rid of them. I do not propose to do that, but I thought when I came to Leinster House that at least I should be rid of those people. Only the other day, however, I was called out to meet another company that had been formed to develop electrical power at Poulaphouca.

I want to let the Government see that there is money in this thing, that it would give a vast amount of employment if a proper scheme was taken up and would bring in a good deal of money to the Exchequer, else these people would not be bothering about it. The people of the district are most anxious that the Government should consider this scheme—I do not say take it up. It is a scheme worthy of their consideration, because there is money in it. Another consideration is that the people of the district think that the preservation of the beauties of Poulaphouca would be taken into consideration by the Government more than by any company which would be simply out to exploit the undertaking for its own benefit.

**Mr. WILSON:** I am very sorry indeed that I am not a riparian proprietor of land, and that I could not also bring forward a scheme of development for my area. I rise to speak on behalf of an industry which occupies the attention of more than 2,000,000 of people in the Free State. I wish to point out to the Government that while the legislation foreshadowed in the Governor-General's speech in connection with agriculture is good in its way, it falls very far short of the requirements of the case and is not at all in keeping with the depression which exists in that industry, on which the prosperity of this State is dependent. I will be criticised if I do not attempt to put forward some constructive proposals by which this industry might be saved. The Agricultural Commission which sat recently has made certain recommendations, and the legislation which is foreshadowed implements those recommendations as far as they go. There are, however, other things which are entirely neglected, which in my opinion

[Mr. Wilson.]

are responsible for the depression in the agricultural industry, and which, if not speedily remedied, will sound the death-knell of that industry.

In the first place I would refer to paragraph 11, which says that the reorganisation of our railways has for a considerable time exercised the minds of the Ministers. In this country agricultural products are still being charged freights 400 per cent. above pre-war rates. Prices are on a par with pre-war, so that we are debarred from the markets beside us where most of our products are sold. The products of this country are in the proportion of three to one; that is, two parts must be exported, and the other part kept for internal consumption. While two-thirds of our products must be exported we are asked to pay a railway tariff 400 per cent. above the pre-war rate. The whole idea of railway reorganisation, in the mind of the Ministry, is to put it on a paying basis. Sufficient attention is not given to the rating levied by the railways. There is no body in authority in this country who can say to the railways, "You are charging too much for the carriage of this or that product." Up to 1920 there was such a Board in England, and when a revision of rates was necessary the railways had to go before that Board. As the Board has been abolished in this country the railways are in a position to charge what they like. The result is that we are, three or four years after the European war, paying enormous freights which place us at a great disadvantage with competitors. If you take up a railway classification book you will find that the rates are based on an English classification, and that they are in favour of a manufacturing country, to the detriment of the products of this country. Textiles, hardware and boots are charged the same rate as eggs. There is no comparison whatever between the value of, say, 5 cwt. of drapery and 5 cwt. of eggs. Still we are compelled to pay a rate for eggs equivalent to the rate paid for high priced articles. Eggs in boxes are charged what is known as third-class rates. Hardware, cutlery and boots are also charged third-class rates. A box of

boots containing 100 pairs will occupy the same space as 3 or 4 cwt. of eggs, and while the eggs will be worth about £9 the boots will perhaps be worth £100. The railways are collecting one per cent. from the manufacturers and 20 per cent. from the agriculturists. The exporters are paying these charges, although ostensibly it may be thought that they are paid by people on the other side. Prices are fixed in England, and when people there buy cattle or eggs they know what they will get for the goods and what the railway freights will be. They deduct from the price they pay for products the enormous charges that have to be met. That means we have to pay in freights 20 per cent. of the value of the goods purchased from us. That is one cause of the depression in agriculture, and unless it is removed we have no chance of making progress in the industry.

Heretofore it was the custom to book cattle through from any part of Ireland to any part of England. You cannot do that now. Why? The English rates have been reduced to 50 per cent. over pre-war, but the Irish rates are 150 per cent. higher than they were before the war. The Irish railways will not reduce their rates in accordance with the English rates, and accordingly there is only booking to Dublin, and re-booking to England at tremendous expense and annoyance. It is only in parts of Ireland, where a railway company have reduced rates, that through booking is now available. Deputy McKenna will be able to enlighten the Dáil in that respect and explain what it means to agriculture. My remedy for the present state of affairs is to set up a rating authority and to let it differentiate in favour of agricultural products, and see that they are carried at the lowest possible rates. Most of the traffic that is carried in Ireland is from the ports to inland centres, so that there is a continual stream of empty waggons, going from the centre of the country to the ports, to bring back imports. The traffic that comes from the interior of the country could be carried for nothing, as the railway waggons have in any case to go back empty when

there is no traffic. We should have the cheapest possible rates on agricultural products. Our competitors in the Dominions get their products carried at a halfpenny per ton per mile. Why are Irish agriculturalists not placed in the same position? These things can only be remedied by setting up a rating authority under the Minister for Industry and Commerce, to which complaints could be sent, so that farmers will be able to put produce on the market at the lowest possible price. The Minister for Industry and Commerce is amused.

If he were in the same position as a man on the land who has to pay annuities, local rates, and income tax, he would not be laughing so heartily. The second thing that operates adversely to agriculture is the incidence of local taxation. At the moment, by reason of the various Land Acts, we are asked to pay an annual charge of £4,000,000 in annuities. £3,133,000 was paid last year, and the Land Bill is operating to extinguish rents in the nature of £1,000,000 so that the overhead expenditure on land which we have to pay is £4,000,000. We cannot reduce that, but in addition we have the local rating, which we can reduce if we work in the proper way. The last local councils were elected on a political basis. They were elected not for the efficiency of the members, not for their capability for conducting business, but rather to uphold certain political doctrines which at the time were necessary to fight other organisations. We have a series of Councils whose whole idea seems to be not to give good service for money but to give pensions here, jobs there, and grant direct labour here and there. Everything is done in a wholesale manner. Money is filched away, and we on the land are suffering and we must see that the Government, who went to the country on the plea of progress and who filched away farmers from their allegiance to the right people, shall, in return, see that the next elections will not be based on a political basis but on questions of economy, efficiency and good dealing. The whole country is being turned into a country of pensions. Home help is the name in one case, and old age pensions is the name in the other, but whether it is home help, old

age pensions, the Army, or the Civic Guard, we are being saddled with the expenditure, and I ask the Government to see in the next election that suitable franchise proposals will be put forward so that the people who pay the piper will be enabled to call the tune.

Now, with regard to the next obstacle in the way of progress, I would say that it is the attitude of labour. We have been forced for the last three or four months to sit idly by and watch a conflict with which we were not concerned, but which has inflicted untold damage on our industry. We have had to stand by with a falling market and have had no means of sending our goods there in time. This recurs yearly. Last year the same thing happened in Tipperary where a dispute took place between the creamery owners and labour. Our milk was refused, and if we sent it to the creamery we were not paid for it. These things are happening every day in the week, and until some definite arrangement is made by which labour will see that it is in their own interests not to hold up our products but to take a common sense attitude and meet the claims of the producers we will not be able to make the industry self-supporting. A good deal has been said about unemployment, which is a subject that has been over-dealt with. There are 40,000 unemployed persons registered in this country. All the industrial workers in the Saorstat do not amount to 250,000. The cost to the State in bonuses to these people is half a million pounds. If there is unemployment in the country the farm labourer is not insurable, and we have to support him in home help. Why do not the industrial centres bear this burden by raising the rates on the employers, on the one hand, and the workers on the other hand? Let the 200,000 people keep the forty thousand. Those who are idle should be kept by those who are employed, but do not saddle the community with half a million pounds to bolster up people who number only 250,000. Two million people are on the land, and if there is any unemployment there let the industries in the city support them. As regards general taxation, I had hoped that the Minister's statement would have been before us. It is absolutely

[Mr. Wilson.]

essential that the pruning knife should be rigorously employed to cut down expenditure—I do not say this year—to a state in which income will balance expenditure. We must borrow this year, and the farmers have been asked, and I have asked them myself, to contribute their quota to this new loan. Will anybody support a country in which running expenditure exceeds revenue? If you want money and you go to a bank, what will the banker say? He will say: "What is your income and what is your expenditure?" and if he finds that your revenue is not in accordance with your expenditure he will not touch you. The same applies to a country. We must balance our accounts. How is it to be done?

The pruning knife is one way; taking off unemployment relief is another way, and the setting up of the Commission, advocated by Deputy Cooper, so that the internal administration of the Head Office here should be overhauled and so that nobody will be employed for whom there is not suitable work, is another way. If we get our revenue and expenditure to balance then we can talk of joining the people in the North, and then it will be to the benefit of the people in the North to join us. By thus attending to our expenditure we can make this country a wealthy one.

**Mr. McBRIDE:** The address of the Governor-General was notable to me by the omission of one great *1 o'clock.* problem which will add to the responsibilities and troubles of the Government of this State in the coming year. I am no lover of the League of Nations. I think it was a mistake to join it, and this Dáil will realise before many years that it was a mistake too. But I must confess that I am both instructed and amused by the grandiloquent phraseology and cultured form of sunburstry which announces Ireland's entrance into the League. We are told nothing of the responsibilities or expenses which membership of the League will entail. The fact remains that this nation here was always a nation. The Union with Great Britain did not take away the attributes of a nation, and we were

ushered into the League of Nations under the patronage of the chief tyrants, and the clamours of the minor ones. The Imperial Conference stands on quite a different footing. This State is a member of the Commonwealth and as such unfettered commercial and social intercourse should be cultivated and encouraged between all the States in the Commonwealth, paying, of course, due attention to one's own special interests.

At the outset I said that the Governor-General's address to me was notable by the omission of one great problem. I fear that His Excellency and the wise men who sit in his council chamber were so lost in contemplation of the delights of Geneva that they failed to see the problem looming big and gaunt which will call imperatively for their attention during the next few months. The harvest has failed absolutely, and in the west there is not half the usual yield of the two great essentials of life, turf and potatoes. On account of the bad weather the turf could not be saved and the potatoes are all rotting. In normal times, with industry going full speed in Ireland and Great Britain, this would be a serious condition of things. To-day, with stagnation all round, it is a thousand times more so, and a comparatively small expenditure upon roads and upon houses affecting small farmers very indirectly will not go very far to relieve the distress. I hope Deputy O'Connell will not think I am forestalling him about the fisheries, but it is only now I saw his resolution about the fisheries. Of course there is no mention made of the sea fisheries in the Governor-General's address. We have heard a lot of rumours. In imagination I have listened to the rhythmic rumblings of the new steam yacht and to the music of General Mulcahy's sharpshooters ranging round the coast seeking the enemies of the fishers. Both are expensive luxuries, and I can well imagine the groans of the Minister for Finance at the cost. We are now told we are to have four warships on the list. I will say nothing about that for a time, but the building up of a strong and prosperous fishing community is as important to the economic development of this nation as

the welfare of the farmers. I hope the Government will give serious attention to this question in the near future. It is announced that laws affecting merchant shipping are to be introduced. Those laws will have a very great influence for good or for bad on the merchant shipping trade of the Free State, and I hope sufficient time will be allowed to elapse between the time when the Bill is first introduced, and when it comes up for due consideration.

**Mr. HOGAN (Clare):** Like Deputy McBride, I cannot say that I was very favourably impressed by the Governor-General's Address. There are very many serious things that the Governor-General studiously ignored, and if his outline of the Government's policy is to be the guiding factor of the Government during the coming year or two, or whatever number of years the Government holds office, I think he should have told us in detail what the Government proposes to do. One thing left out in connection with our entrance into the League of Nations under the patronage of our oppressor of yesterday, is that not one word was said as to the cultivation of the Irish language in a proper manner so that we might assert our distinctive nationality before the world. It is all very well to say that we are a distinct nation, but if some effort is not made to secure that that nationality is felt before the nations of the world, we are but ploughing the sands. There is another matter about which I have not been able to find any reference in the Address, and that is the fact that to-day thousands of men are locked up by the present Government and no indication is given as to whether or not they are to be locked up indefinitely. It is not, I suppose, a pleasant matter to introduce, but it seems to strike at the fundamental principles of freedom in every country, the power of any Government to take a body of men and lock them up indefinitely without making any further observations on the matter. Time and again this question has been raised, and I think it is nearly time that we knew. I am speaking apart altogether from the protest made by these men on hunger strike. I am demanding a statement as to whether

the fundamental principles of liberty are not being stretched in order that these men may be kept incarcerated. That is one matter to which the Governor-General has not referred, and also the matter of our national distinctiveness regarding our language, and I desire to draw the Government's attention to these matters.

**Mr. SHAW:** I intend to deal with a few points in connection with the speeches made by Deputy Cooper and Deputy Wilson. We have heard from them the great grievances from which Ireland is suffering, the excessive taxation, the exodus of the people who had money to spend in the country, the fact that shops and other places are vacant, and the only thing that I did not hear them speak about was the root cause of this. It is perfectly evident that these things have been caused by the political position in which a minority refuses to accept the will of the majority, that the actions of the Republicans have caused chaos all over the country, and that to-day money was never so scarce. There have been 109 men returned to enter the Dáil to endeavour in every possible way to uplift the country, and the cause of the present unemployment, of the scarcity of money, and other troubles, is due to the policy adopted by the party of forty-four—I cannot call them T.D.'s, I call them D.T.'s—because the policy they stand for is unsound. If it goes on as at present the particular Party that would come most to grief will be the Labour Party, because a Loan is about to be floated and if the money is not forthcoming and if the Government are not able to get funds to carry on, it is perfectly apparent that in the near future there will be starvation. If they had addressed their remarks to the Party which has caused the excessive taxation and the exodus I think they would be well advised. I am sorry that Deputy Wilson touched the matter of Home Help, because I happen to be in touch with the distribution of Home Help in the county I come from, and I know that but for the small amounts distributed to these people they would either be in the County Home or in their graves. This is one of the items which I think it

[Mr. Shaw.]

would not be possible to reduce. I only make these remarks because it is perfectly clear—to me anyhow—that the cause of our troubles is the fact that the minority have paralysed the trade and commerce of the country. With regard to those who have left the country, if you had peace, or any sign of peace, you would have them all back again, because they cannot live out of it. Although we have not peace a great many of them are already coming back, and I believe that if this party who call themselves the Opposition would preach to the people who are causing the trouble, instead of stating that the Dáil is the cause, it would have a much better effect.

**Mr. HEFFERNAN:** I note the considerable amount of space that the Governor-General has given to the agricultural industry in his Speech. I am glad to see that the Ministry realises the importance of the agricultural industry in the fabric of this country. I note the Governor-General's references to the Land Act, and I would say that I, as one of those who had a good deal to do with the agitation which led up to the introduction and passing of the Land Act, felt a good deal of pleasure in its passing, and to a certain extent approve of a good many of its provisions. We believe that the Government made a brave and a bold attempt to

an Act which would finally settle a question which has been bothering this country for generations. But there is one portion of the Act which we never gave our approval to and which we asked our Deputies to use all their persuasive powers to get amended, and these are the Sections which deal with the matter of the arrears of rent. We know that in all the Acts passed in the British House of Commons it was a common thing to wipe out arrears, or the greater portion of them, and if they were not actually wiped out by the wording of the Act, in the actual carrying out of the transaction, the passing of the land from the landlord to the tenant, they usually were by agreement, or were added to the purchase money.

What we find in this Act is that the greater portion of the three years'

arrears is payable by the tenants, and I would like to call the attention of the Government to the fact that these arrears accrued during years of turmoil and disturbance, during years of civil strife and strife with a foreign enemy, and this strife was followed by industrial disturbances. It is a fact that farmers, both purchased and unpurchased, can honestly say that they have not made a profit during the past two years. I do not know if there is any farmer in this country who can say his balance sheet will show a balance on the right side during the last two years. Since the passing of the Act the position of the tenant has been worsened. This industrial strife has held up the whole agricultural industry, and has prevented the export of our products. It has forced the farmer to sell at 50s. per cwt. pigs valued at 80s. across the Channel. Our whole cattle trade was held up, but our butter trade was not held up, though the actual cost of shipping it was considerably increased owing to these disturbances. I know for a fact that there are unpurchased tenants all over the country who are finding it a matter of considerable difficulty to meet the first demand made on them by the Government. I have been approached many times in my capacity as a Deputy for the farmers with regard to this matter, and I honestly believe that the great number of people who have come to me have told me what is the absolute truth with regard to their position.

Some of them say they have found considerable difficulty in getting the actual amount necessary to meet the first demand by the Government, that is 75 *per cent.* of one year's rent. We know that at any time before the appointed day they may get a demand for 75 *per cent.* of two years' rent, and simultaneously they may get a demand for the ordinary 75 *per cent.* of the annuity they have to pay in lieu of rent. I ask the Government to take into serious consideration the position of the agricultural community on whom they are making this demand, and I would say to them there are three courses open to them. The first course is to resist the demand, and I am afraid if they do they will find them-

selves practically up against a stone wall. I do not think they will be able to collect the arrears they are attempting to collect, for the farmers will not be able to pay them, and they will have to evoke the law, and carry it to its utmost extremity. The Government may find themselves in the position of having to seize the cattle in the land, and forcing some of the farmers to sell their land to pay these annuities. I hope the Government will not follow that course. I would suggest that there are constructive courses open to them, and the first is to pass an amending Act which would have the effect of wiping out a certain portion of these arrears. If they do not think that is possible owing to the fact that they have just passed a Land Act, I would suggest some definite measures should be taken by which the tenants would be relieved of the fear that immediate demands would be made on them for the balance of arrears, and that some effort should be made by which the balance of arrears would be extended over a long period and make it easy for these tenants. I say that, not for the purpose of making a debating point, but to aid the Government and advise them on a matter which I think is of great consequence to the peace of the country. I know certain people are going through the country, and the advice they are giving is this: "Do not pay these arrears, pay no rent, and pay no taxes, and pay no shop-bills, and in the course of time you will not have to pay anything as we will have these things wiped out for you." We do not give that advice. I advised these unpurchased tenants not to withhold the first payment, and that we would do all in our power to influence the Government to make the balance of these payments easy for them. Another notable omission from the Governor-General's speech is the matter of agricultural credits. I am sorry that the Governor-General did not see his way to suggest to the Government that they should carry out the suggestion which was put forward by the Agricultural Commission with regard to the provision of agricultural credit for the farmers. We know that the loans from the Board of Works have been cut off, and there is no avail-

able means at present by which farmers can get loans on long-term credit for the purpose of doing such work as improving their houses and buildings and carrying out drainage, or any work of that kind which involves borrowing money for a considerable time. Banks are not willing to lend money for this purpose; they want to have their assets readily realisable, and they are accustomed to lending money for short-term dates of three or six months, and it does not suit a man who has to borrow money for the purpose of permanent improvement on his holding to be continually going to the bank and asking them to renew these bills. I suggest it is to the interests of the Government to introduce at an early date legislation to deal with this matter of agricultural credit, and I would suggest to them to follow the advice given to them by the Agricultural Commission which has studied the thing, and must know what they are talking about. It is also essential that the Government should in some shape or form encourage the establishment of co-operative banks for the purpose of making it easier for small farmers to obtain credit than it is at present.

As I stated before in connection with the unpurchased tenants' problem, there are many small farmers at present on the verge of bankruptcy, and if the present bad times continue they will have to appeal to somebody to provide them with funds. The Government should seriously consider the question of encouraging them, either by grants or guarantees, in the formation of Co-operative Bank Societies which will place within the reach of those small farmers an opportunity of obtaining credit on easy terms. Before I finish, there is one matter which, I think, is of urgent importance to the community I represent. I note that the Governor-General refers to the improvement of the change in the system of government. I suggest in connection with this that the Government should give consideration not only to the matter of improving the present system of Local Government administration in the country, but to the changing of the incidence of Local Government taxation. We, represent-

[**Mr. Heffernan.**] in the farming community, feel that we have to pay an undue proportion of the taxation which has to be borne. Take the case of a farmer with twenty acres. During the past year or two he made no profit whatever out of his holding, and yet he had to pay a local rate equal to that paid by the owner of a shop in a town whose income would be about £1,000 a year. It is not uncommon for such a thing to happen. We of the farming community have to pay the rates for the maintenance of the main and trunk roads. What use does the average small farmer make of those roads? We know that by far the greatest damage is done by motor traffic. The largest amount of damage is caused by heavy lorries which tear up the road surface. The main and the trunk roads ought to be made a national charge, and the farmers of the country should not be forced to bear the expenses of maintaining them.

**Mr. P. J. EGAN:** I wish to make a few remarks in reference to Deputy Johnson's speech on the occasion of our last sitting. The reason I do so is that in my judgment the industrial situation, bad as other situations are in the country—situations in respect to farming and so on—at the present moment overshadows everything else. I think there are few things more important than the immediate prospect of industrial peace. For that reason I listened very carefully to Deputy Johnson's speech here on the last day. I was particularly anxious to know if he could give us any definite constructive proposals, and, candidly, I was disappointed. He gave us an exceedingly interesting academic resumé of the whole industrial and economic situation, but with the exception that towards the end of his speech he made a suggestion about the selection of a tribunal to ascertain certain facts, I am afraid I could not find any constructive proposal in his speech. I would like to say that with the general tone of Deputy Johnson's remarks I am in perfect agreement. I think there was really very little fault to be found with the general tone of his speech. He gave us a great many

figures, figures which dealt with Denmark and other places, and as far as the figures which he brought from Denmark are concerned I am not in a position to contradict them, and I accept them. He did indulge in some figures relating to matters nearer home. He referred—I am sure it was an oversight—to some of Messrs. Guinness's figures. He stated that the capital was 2½ millions. That was obviously a mistake. The concern was originally bought for 5 millions, and floated for 6 millions. There have been various paper adjustments since then, but if the Deputy considers the real working capital in Guinness's he will find the amount of money invested in stocks and debts and so on runs into very many times 2½ millions.

However, I do not wish to make any particular point out of that. The Deputy referred also at some considerable length to the cost of living. Very often when people speak about the cost of living, I think they might more correctly use the expression "the standard of living." I go further and say it would be more correct to use the expression "standard of luxury." in this matter of Guinness's to which Deputy Johnson refers. He told us the profits for the last three years were approximately 14 million pounds. If we allow for the fact that a considerable proportion of those profits undoubtedly come from across the water and from foreign export trade, there still remains a very appreciable sum which was earned in Ireland. The first question I want to put to Deputy Johnson in that connection is this: where do those profits come from? They come out of the wage earners' pockets and out of the farmers' pockets, and out of the pockets of other classes of wage earners in Ireland, but more particularly out of the workers' pockets. With reference to the standard of living, or what I would call, to a certain extent, the standard of luxury, in which the country is indulging at the present moment, in my judgment the country cannot hope economically to sustain it. Take the city of Dublin as an example. I remember some years ago, when I came to Dublin from the country, there were two or three theatres here. There



were a couple of small music halls, and that represented practically the total number of houses of entertainment in the city of Dublin. I do not think that it is an exaggeration to say that at the present moment, within a radius of four miles of where we sit, there are probably three-quarters of a million of money invested in picture houses alone. I want to ask Deputy Johnson seriously to consider where did that money come from.

**Mr. JOHNSON:** Invested money.

**Mr. EGAN:** Money invested in picture houses in the city of Dublin. In my judgment practically all that money came out of the pockets of the wage earners.

**Mr. JOHNSON:** Hear, hear.

**Mr. EGAN:** Precisely; they were supporting a standard of luxury and not a standard of living. That is the point I want to make. I think it ought to be perfectly clear that this country cannot sustain a standard of luxury of that nature. It is really altogether wrong to talk about the cost of living being too high when hundreds and thousands can be accumulated from the surplus earnings of the various wage earners to put up the capital necessary to supply all these forms of amusement which we have nowadays in the city of Dublin and throughout the country.

**Mr. A. BYRNE:** What about the entertainment tax?

**Mr. EGAN:** I will let you deal with that.

**Mr. ALFRED BYRNE:** You would want to deal with it too.

**Mr. EGAN:** What is happening in the case of Dublin is, to a great extent, happening down in the country as well. Although we are going through extraordinarily bad times, it is really wonderful the way that the taste for racing has developed in Ireland of late—or rather I will put it this way the taste for betting.

**Mr. DAVIN:** Coursing.

**Mr. EGAN:** In most country towns nowadays, certainly in a great number of them, you have a flourishing firm of

bookmakers. As an employer of labour I cannot help observing this, that there has been an extraordinary increase in the number of workmen who go in for backing horses.

**Mr. DAVIN:** And dogs.

**Mr. EGAN:** I do not know how that is consistent with the cost of living being too high. Mind you, I would be the very last in the world to interfere with or to suggest that the workman should not have reasonable relaxation. But, I am honestly afraid that not only the workers but the wage-earners generally, are endeavouring to support a standard of living, or should I say of luxury, whichever way you wish to put it, which the country is quite unable to afford. Deputy Johnson laid stress on the difference between employers and employees. In dealing with the industrial situation generally, he took up what I consider rather a detached attitude. His idea appeared to be to recite all the industrial and economic grievances, and no one knows how to do that better, and to bundle up all these troubles and throw them at the heads of the Government and to say to the heads of the Government "settle them." In my opinion Deputy Johnson, and the gentlemen who sit on those benches with him, do themselves represent a class which more than any other class can be expected to give help in securing industrial peace. One of the difficulties at the present moment in the matter of securing industrial peace—and I do not wish to say this for the purpose of irritating Deputy Johnson, or the gentlemen who sit with him—is, that the Labour Party have not, at the moment, industrial peace in their own ranks. That is the statement which I make genuinely and with very great regret. There was a time when employers, as a class, looked upon the formation of workmen's unions with very grave suspicion. However, a great deal of water has rolled under the bridge since those days. For my part, as one who is associated with a great many industries, I view personally, even from the businessman's point of view, with very grave regret, those domestic differences within the ranks of the Labour Party, because one of the greatest difficulties which business

[Mr. Egan.]

people have to meet with at present is the fact that it is difficult, in a great many instances, to have a united Labour Party with whom they can negotiate and with whom they can make agreements, agreements that they can have confidence will be respected. Therefore, I think that if Deputy Johnson would use part of his great talents in trying to compose domestic differences in the Labour Party, that to my mind would be one step in the right direction towards securing industrial peace.

Deputy Cooper, in the course of his speech, referred to the formation of a Finance Committee to help the Government to secure economies and to advise them on their policy generally. He mentioned that, in his judgment, it would be a very good thing to have some businessmen on that Committee. I suppose I come under the category, to a great extent, of a businessman. It has been the custom in a great many quarters to regard the businessman as some kind of a superman. He is nothing of the kind. He is just gifted with the same dose of original sin that the Independents or the Cumann na nGaedheal members, or anybody else.

**Mr. CONNOR HOGAN:** Or the Farmers.

**AN LEAS-CHEANN COMHAIRLE** took the Chair at this stage.

**Mr. EGAN:** Oh, yes, they are human, too. The great objection I have, as a businessman—I will be perfectly candid and lay all my cards on the table—to going on these Committees is that having regard to the businessman's training and also to the fact that most of his mental activities are generally associated with a certain amount of commercial benefit to himself, which is really one of the main objects in a great many cases, it would be very difficult for the ordinary businessman to preserve a judicial attitude. After all, they are human, just as well as anybody else, and it is inevitable that the average businessman always has a tendency to view things from his own particular angle. For that reason I do not really think that the suggestion of Deputy Cooper that businessmen should be put

on these proposed Committees is a good one.

With regard to the general question of industrial peace, it is a matter on which I feel very strongly. I am not going to here enter into any statement of the employers' case, or any criticism of the labourers' case. I do not think it is to the advantage of the present situation that I should do one or the other, but I cannot help thinking that if there was a little more of the milk of human kindness on both sides, and if there were less of an atmosphere of mutual distrust and suspicion on both sides, we would make a good deal more headway in the matter of bringing about a more prosperous commercial condition in the country. I have been associated with a good many businesses. There are good employers and there are plenty bad ones. For my part, I have always found it very good business in dealing with labourers or with labour organisations to be a little bit human. I do not think it is good business for either side to get their backs to the wall, so to speak. I think there should be always a spirit of compromise and mutual trust and goodwill on both sides. Speaking as an employer, I say definitely that I have always found it good business to do that.

**Mr. SHAW:** I must apologise for getting up a second time, but I cannot allow some of the——

**AN LEAS-CHEANN COMHAIRLE:** You cannot speak a second time.

**Mr. MILROY:** I have listened with a great deal of interest to the observations made to-day. I had not an opportunity of listening to the speech of Deputy Johnson which has given rise to so much comment. But the impression I have formed from listening to those speeches is that in the main those who have spoken are viewing the situation on a one-eyed outlook. They only see part of the Constitution. At least one of the very serious aspects in the life of the country and its potentialities has been entirely ignored. But before I come to deal with this, I should like to mark my very emphatic dissent from the allusion made by Deputy McBride to the entry of Ireland into the League of Nations. I think that was a momentous step, and one which marks the

manner in which the world was made cognisant of the emergence of Ireland from behind and below the barrier of British aggression into a life of freedom and into the family of free nations. Those other nations may have members of their communities that have the worst of human failings, but I think there are just as great potentialities for good within these States as we pride ourselves on having in Ireland, and I think it will be something to the world's advantage if Ireland's association helps to evoke and make stronger those potentialities for better things. I do not know whether Deputy Egan suggests that we should abolish picture-houses and theatres, and that we should abolish racing and Gaelic athletic meetings.

**MINISTER for HOME AFFAIRS (Mr. Kevin O'Higgins):** And sweepstakes.

**Mr. MILROY:** And, as the Minister for Home Affairs, says, sweepstakes. It is evident that the apprehension of once more being confronted with the Sweepstakes Bill is weighing heavily upon the mind of the Minister. I can assure him he has the greatest ground for his apprehension, for soon, I hope, we will not only confront him, but overwhelm him, in his opposition. I do not know whether the abolition of these places of amusement would be the solution of unemployment or would bring industrial peace to the country. The real solution, or what appears to me to be the real solution of the lack of industry, has not been touched on so far as I heard, in this debate. I do not really think we can come to grips with that until the findings of the Fiscal Commission have been published. Speaker after speaker has emphasised the great, pressing need of this country, and the only way to the financial solvency of the country it would seem is the application of the pruning knife to Departments. One would imagine that there is not, and cannot be, any element of growth of revenue within this country, and that Ireland's financial position must be almost limited to its present source of taxation; that there can be no further increase in those sources, or in the capacity of existing sources to bear

increased taxation. If such an assumption were accurate, then it would be conclusive that the future of Ireland was to be no better than that of an economic derelict, and that all our associations with the other nations of the world, at Geneva or elsewhere, would be simply a mockery, because Ireland would be like a whitened sepulchre that concealed a mass of uneconomic rottenness within the country.

There are other sources of taxation, and there are other sources of revenue, besides that of cutting down the stipends of State officials, or cutting down the general expenditure of departments. Other countries had recourse to them, and I think we seem likely soon to appear to the world, if we persist in the existing fiscal system which has come to us as a heritage from our association with Great Britain, in the position of Casabianca who stood alone upon the burning deck. I doubt if there is any country in the world to-day that stands for the Free Trade system under which we exist at the present time. Even England built up her industry and greatness under a system quite different. It was only when she had the markets of the world at her command and was going ahead of every possible competitor that she opened her own markets to free imports. Even amongst those countries which have risen from the position of colonies to that of great self-governing dominions I do not think any of them adopted the principle of Free Trade, but, on the contrary, they reinforced their Exchequer by large taxation put upon foreign manufacturers who sought access to their markets. The Irish market is a valuable market, one of the most valuable that the English manufacturer has access to. Access to that market is a great thing to him, and if this country is in financial distress I say it is worth while considering whether or not we should not make these foreign manufacturers pay for having access to our markets.

The general tone of the discussion, in regard to the relief of unemployment, seems to have been that the State should act in the capacity of providing for that unemployment. It is

[Mr. Milroy.]

essential in some direction that that should take place, but I do not think it is good, sound economics. It certainly is not the way industrial enterprise has been built up in other countries. The great vital asset, without which no country can expect to get upon its feet either commercially or industrially, is the initiative of men prepared to start industrial concerns, and the essential thing, to make that enterprise successful, is that they should get a fair chance, and should not be harassed, as if they were so many enemies of the State. There seems to be abroad, in this country, an impression, shared to some extent on the one side by those who sometimes call themselves the proletariat, and shared, to some extent, I fear, by our immature economists within the Government, that the manufacturers are so many parasites who want to prey upon the community.

To my mind, that is a profoundly erroneous idea, and one which, if persisted in, will simply mean a continuation of the industrial distress through which we have passed. A captain of industry in this country is a much more important factor in the nation's future than a dominating politician, and we have got to recognise that the whole economic structure of the country rests, in reality, upon the brains and the enterprise of these men, and on the security that they get to carry out their different operations.

**A DEPUTY:** The farmers.

**Mr. MILROY:** In saying that, I am not making any reflection upon the farmers, but I do want the farmers to realise that there are other elements in the country besides the farmer, and that the more prosperous these other industrial enterprises are, the better for the farmer, and vice versa. I do not want to anticipate the discussion upon the findings of the Fiscal Committee which, I assume, will take place when they are published. I am sorry that they have not already been published, so that we might have considered them in conjunction with the remarks of the Governor-General. I believe those who are interested in the work of that Committee are looking

forward for some message of economic hope for the country, looking forward for an economic vision which will consider Ireland not as an abstraction, nor the Irish people as so many economic mummies that are simply there to be studied, but that will consider Ireland as a living reality. I trust the Committee's recommendations will be such as to be helpful to bring to this country a policy that will give renewed life to industrial enterprise. If it does that, it will have set Ireland on the right road, not only to industrial rest, but to progressive civilisation, but if it fails to do that, then a great vital issue will have arisen. I cannot anticipate what the decisions of this Committee will be, but whatever its decisions be, they will at least mark a definite stage in the life of Ireland's economic interests. They will be, to my mind, a highly important mark in these matters, and if they do not give us a hope, or if they do not fulfil the hope that a new system, and one more in accordance with Ireland's economic interests, is to be infused into the life of the nation, then I am afraid the Committee's labours will have been wasted. However, we shall wait and see.

That is the main thing I wish to draw attention to, that you may devise schemes by which the national revenue may be allocated to this phase of unemployment or that; you may arraign one section of the community as opposing the real interests of the nation in one direction or another, but now that we have in our own hands that for which we have struggled, not merely political power but economic power, the right to decide our own fiscal future and fiscal policy, the right to weld and to mould Ireland's interests, if we fail to do that we will have, I was going to use a very harsh phrase, I was going to say we will have sold the pass, but at any rate whether that is an accurate description or not, we will have done something to diminish very seriously the hopes with which the Irish people have looked to this Assembly to lift the country from the demoralising and derelict condition in which the last two years have placed it, and put it in a position to become, in the near future, one of the most solvent and progressive States in the world.

## NATIONAL FINANCES.

### RETRENCHMENT PROPOSALS.

**Mr. BLYTHE:** Perhaps I may be permitted to intervene and cut across the line of this discussion. As we have reached the stage when the credit of Saorstát Éireann is for the first time to be put to the test of an appeal for funds to be borrowed in the open market, I think it is proper that I should acquaint the House with such particulars of the financial situation as will enable an accurate judgment to be formed of how we actually stand. I do so all the more readily because numerous irresponsible reports and comments on the financial situation of the Saorstát and the supposed intentions of the Government in the matter have been given currency for some time past, and it is desirable that authoritative information should be available to prevent the growth of misleading ideas. I can only ask the House now to judge the position by reference not to reports from irresponsible quarters but to plain facts which I shall endeavour to place before it as lucidly as possible.

The Government of this country, although gravely preoccupied with other difficult problems, has  
 2 o'clock. now for over a year and a half carried on its financial business successfully without being obliged to look for assistance outside of Ireland. The idea that seems to be entertained in some quarters, that this country as a State is going to be dependant for money on outside capitalists, is a mere delusion, and it has been propagated without encouragement or inspiration from here. It is important to have it understood that the public finance of the country does not need to be conducted, and will not, under the present Government, be conducted in a manner that can render us subservient to any external interests.

I will ask Deputies in the first instance to consider the Statement of Exchequer transactions for the half year ended on the 30th September. This Statement, which has been circulated, is the usual weekly Exchequer Statement as issued in the *Iris Oifigiúil* of 2nd October.

The important figure on the Receipt

side of the Statement is the tax revenue which, taking the several heads together, shows an aggregate of £12,235,000 for the half year, as compared with an Estimate of £20,550,000 for the whole year. I am glad to be able to say that since the original estimate was prepared I have received a revised statement of estimated tax revenue which shows for the whole year an increase of £1,650,000 beyond the original estimate. An increased yield in the non-tax revenue of the Post Office is also expected.

The substantial increase of revenue that we anticipate is attributable largely to abnormal causes, such as the extent of income tax arrears.

The receipts of the half year from non-revenue sources represent borrowings which have been incurred under powers duly conferred on the Minister for Finance by Act of the Oireachtas. The items to which I wish to invite special attention are those under the head of Free State Bills and Free State Savings Certificates. The Bills are short-dated securities which have been taken up by the banks for the purpose of tiding the Government over the interval that must elapse before the proceeds of a funding loan are available. The friendly relations existing between the Government and the banks, and the willingness of the banks to assist the Government in financing the public services in the most effective manner are factors which will be appreciated at their true value by intelligent observers of the present situation. The inherent soundness of the banking position in this country is an important financial asset which the Government have every desire to safeguard and defend.

The Savings Certificates to which I have referred were first introduced in the month of July. In the three months which have since elapsed we have raised from this source almost £300,000. The figure has increased from £220,000 as shown in the sheet to £293,000. I would ask Deputies specially to note this point, as one of the surest indications of the possibility of attracting the genuine savings of the people of this country into an investment which is used for the benefit of this country only, and enjoys a security guaranteed

[Mr. Blythe.]

by this country alone. These certificates are of course an excellent investment for any citizen of the Free State from the point of view of yield and of the privilege of exemption from income tax. Organised measures will be taken shortly to bring the advantages of these Certificates directly to the notice of the public, but in the meantime the sale of them has, as is evident, been most encouraging, especially as no special effort has been made to force them into public notice.

Returning to the Exchequer Statement, I will refer briefly to the expenditure side of it. It is necessary to mention that the figures represent money issued out of the Exchequer which is not exactly the same thing as expenditure on public services in the period. But the amounts are sufficiently approximate for practical purposes. The expenditure on general public services amounts, on the basis of the issue shown in the statement, to a total of about 17½ millions for the half year as compared with about 9½ millions for the corresponding half of the preceding year. About one million of this apparent increase of 7½ millions is not a real increase, being only a disbursement occurring this year but not last, in respect of land purchase annuities which is offset by a corresponding receipt of the annuities themselves. The balance of the increase is due in the main to obvious and easily understood causes, namely to the facts that the Army charge and the compensation charge had not begun to make themselves felt fully during the same period last year, whereas they were very serious burdens this year.

In regard to compensation, it is well to have it known that the rate of discharge of awards has advanced rapidly during the past half year. There is, in fact, no room whatever at the present time for the complaints which used to be made six months ago about alleged delay in payment of awards made by the Compensation Commission. That Commission, which deals entirely with pre-truce damage, has made considerable progress with the issue of its awards, and the machinery set up by the Ministry of Finance has, for some time past, been working at

a rate which has overtaken arrears, and keeps pace with the making of the awards by the Commission. Altogether over 2½ millions in cash had been paid out up to the end of September, the payments in that month alone reaching £430,000. The Army expenditure of the half-year has been on a heavy scale, the Exchequer issues for that service having amounted to £6,149,500 in the period. The Government have had constantly in mind the serious problem which this expenditure constitutes for the Saorstát, and have been engaged for some time in carrying out, through the Minister for Defence, administrative reforms designed not only to put a stop to the waste, which was largely inevitable under the active service conditions of a year ago, but to establish an orderly and systematic control of the whole spending machinery of the Army, with that efficiency which peace conditions should be expected to render practicable. Financially demobilisation is the problem of most interest, and, as regards this, the Dáil is aware that it has already been found possible to effect a large reduction of strength, by allowing a proportion of soldiers to return to civil life, according as the period for which they attested has been completed. As a consequence the strength of the Army, which was some time ago well over 50,000, has now fallen to nearly 35,000. In the next place, reductions have been effected in the high rates of pay which had been settled hurriedly in the troubled days when quick recruitment of an adequate force had to be the primary consideration. For some time past every soldier who is reattested for a further period is only accepted at a new scale of pay, the rate being for a private 2s. 6d. a day, as compared with the rate of 3s. 6d. heretofore paid. Again, it has been necessary to take steps for doing away with the expensive system of dependants' allowances heretofore applicable. Under the arrangement recently introduced no dependants' allowance will be payable in respect of soldiers reattested, beyond a marriage allowance, which has been fixed on a moderate scale. Previously the allowances were for N.C.O.'s and men:—Wife, 4s. per day; first child, 1s. 6d.;

second child, 1s.; third and each additional child, 9d. Then, there were allowances for other dependants. The marriage allowance under the new arrangement is as follows:—All N.C.O.'s and men entitled to marriage allowance to allot at least 1s. a day towards the upkeep of their homes; the State will grant 1s. 6d. a day as marriage allowance, and additional allowances for children of 1s. a day for each of the first two children, and 6d. a day for each of the next two children. Four children is the largest number provided for, so that 3s. per day will be the maximum allowance on this basis.

The special units of the Army organised for protection work and marine duties have been almost entirely abolished or absorbed. As a result of these and other measures which have been or are being taken, it is proposed to bring the Army Estimate for next year down to about 4 millions, as against the total of nearly £10,700,000 for this year. As is indicated by the fact that Army expenditure for the half year ended on 30th September last was over 6 millions, the steps taken during the last six months to discharge Army liabilities in the country have made satisfactory progress. Current liabilities are being met in an effective manner, and such difficulties as still exist relate in the main to accounts outstanding from the period of turmoil where there is inevitable delay in getting evidence as to facts. A great deal of delay is occasioned by fraudulent and inflated claims which have been sent in and which necessitate a great deal of special investigation.

As regards expenditure generally, an opportunity of analysing past transactions will be afforded when the Appropriation Accounts, now in preparation, are available for the Public Accounts Committee. It will, I think, be of greater advantage at the moment if I explain in some detail the general course of policy that the Government propose to take henceforward.

Careful consideration has been given for some time past to the relation that at present exists between the revenue available from taxation, even on the present scale, on the one hand, and on the other hand the expenditure that is

being incurred on the normal operations of Government; that is excluding Compensation Charges and that part of the Army charge which can be regarded as abnormal. As conditions have not yet had time to become definitely settled, and important parts of the administration are still, to some extent, in a state of transition, exact conclusions are difficult to reach. But on the best scrutiny of the facts available, it appears certain that the normal operations of Government at present entail an expenditure which exceeds revenue by at least something more than one million a year.

Now, whatever justification may exist for going outside of revenue to meet the abnormal expenditure on Compensation and the Army—and the justification in those cases is obvious—the Government are quite convinced that the normal public services must be financed out of revenue and not from borrowing. The evils of a contrary policy are familiar to all observers of the plight of those countries that have conducted their finances without regard to the necessity for budget equilibrium. To aim, accordingly, at reaching such equilibrium, is a guiding principle of the policy that the Government in the best interests of the country find it essential to pursue. Not only is it important to refrain from borrowing for the purpose of meeting such normal charges as should be borne by revenue, but it is important also to recognise that where there is borrowing to meet some legitimate capital need the annual charge in respect of the debt must be met out of revenue. It would manifestly be a spendthrift and ruinous procedure to have to borrow to pay interest on one's existing debts. It is the avoidance of this spendthrift procedure that I have in mind when I speak of aiming at budget equilibrium.

Now, we are spending on normal services at the present time at a rate which substantially exceeds the collection of revenue. This is a definite danger sign which the Government are bound not to ignore. It is specially necessary not to ignore it now, as there is the absolute certainty before us, that the position, if not properly handled, meanwhile will be aggravated next year by a heavy addition of new and inevitable

[Mr. Blythe.]

debt charge. Between Exchequer borrowings and securities issued for payment of compensation, it is necessary to contemplate a debt charge of perhaps two millions next year. Moreover, recent legislation has put new burdens on the State, such as Army pensions and the completion of land purchase, the effects of which will be appreciable. For relief from this situation it is not permissible to rely upon a higher yield of revenue from existing taxes. A good year is about to be replaced by a bad year in the computation of income tax, and the general depression of agriculture and industry in this country during recent years are adverse factors of great importance. The appreciation of money and lower prices and incomes generally have a similar tendency.

What, then, can the Government do to bridge this gap of several millions next year, between revenue on the present basis and expenditure in respect of normal services? The obvious alternatives are higher taxes or lower public expenditure, or partly one and partly the other.

It is unnecessary for me to dilate upon the evils of high taxation. It discourages thrift, retards industry, and increases unemployment. Three of our taxes, the beer duty, the income tax, and the Corporation Profits tax, are actually higher than the corresponding taxes in Great Britain at the present time. In addition, our postage rates are heavier than the British. These higher imposts have an adverse effect on workers and all other sections of the community. As regards the direct imposts in particular, the Free State producer of any given article who has to reckon with them is handicapped as regards the sale of that article, even in the Free State, as compared with the British producer of the same article, who is not subject to the same imposts.

On general grounds the Government cannot contemplate the imposition on the country of any heavier burden of taxation than it now bears. It is rather the aim of our policy to bring about a lessening of that burden at the earliest possible date, and it is even hoped that by adopting measures of retrenchment, such as I am about to indicate, the

possibility of reducing taxation in some slight degree may be considered in relation to the next Budget.

Retrenchment, then, is the only course open to the Government if taxes are to be kept from exceeding even the present high level. Economy is an unpopular policy among those who do not appreciate the true wisdom of it and who will not face facts. Even among those who admit its propriety there are many who admire it in its general aspect but become critical when it is applied in some particular sphere of expenditure in which they take an interest. The Government fully realise all this, but are convinced that in pursuing economy in a practical manner they can count on the support of every Deputy in the Dáil who wishes to keep outside of the Saorstát those easy but improvident methods of public finance that have worked themselves to their logical conclusion in the economic breakdown of certain continental countries.

It is proposed, accordingly, to aim at securing forthwith substantial savings throughout the public services, distributing the inevitable sacrifice as fairly as circumstances permit. As a help towards understanding the position which has to be met I have had prepared for Deputies a special statement, giving in the light of the best information at present available, a revised estimate in summary form of the revenue and expenditure of the current year. This statement shows that after meeting estimated commitments of every kind, normal and abnormal, there would be an excess of expenditure over revenue amounting to about 18½ millions. An analysis of the figures on which the statement is based discloses that even if we exclude every expenditure which can fairly be treated as justifying recourse to borrowing, there still remains a deficit, as I have already stated, of at least over a million a year. This figure, however, does not give us the full measure of the savings that it is necessary to effect in order to reach Budget equilibrium. We must add to it a further amount of over two millions in respect of next year's debt service. Thus savings of between three and four millions should be aimed at in order to



effect a balance, and even then further savings would be required before the present level of taxation could be lowered. Savings on such a scale are not possible without retrenchment over the whole field of the public services, wherever there is a discretion for applying it.

A survey is accordingly at present in progress of every head of public expenditure for the purpose of ascertaining where curtailment can be effected with the least detriment to the public interest. In the civil departments generally the fall in bonus is producing in the course of time an appreciable diminution in the cost of staff. It is reckoned that the provision for bonus over the whole of the current year's estimates amounts to a total of about £1,350,000. This is already down to about one-half of the corresponding figure for the time when the cost of living was at the peak. For the purpose of next year's estimates the provision to be inserted for bonus will be calculated on an index figure five points below that adopted in the current year. If the index figure were to fall more than these five points the bonus payable would of course be likewise reduced to such extent as the terms of the scale provide. In regard to the Civil Service generally, there are two fairly distinct spheres in which economy may be sought. The first of these is the sphere dependent on policy, for which the ordinary example is whether a particular service should be retained or not, and as to this I do not propose to say more at present than that we are considering carefully the justification of existing Government services and will not hesitate to seek Parliamentary sanction for the scrapping of any services, the maintenance of which cannot be fully justified. The other sphere is in relation to the cost of administration of such Government services as we have at the moment in existence, and this resolves itself largely into an examination of the staffing of Government Departments so as to ensure that both in numbers of staff and in scales of salaries our staff expenditure is consistent with the strict economy that is necessary at present. In the case of all Government services, and particularly in the case

of those services which were administered as purely Irish Departments before the change of Government, I am taking steps to ensure that the administrative cost of the services for the Free State will compare favourably with the administrative cost of the services for the whole of Ireland, and will reflect the loss of work represented by the present exclusion of the Six Counties. In the case of one or two Departments, the Revenue Department and the Post Office, which were administered from London prior to the change of Government, it will of course be appreciated that the creation of a separate administration is an obstacle to reduction in the cost of administration. In the Post Office, however, where a majority in numbers of the entire Civil Service is employed the steps which have been taken are already producing an appreciable result. The effect will not have time to make itself fully felt in the present financial year as some of the steps are of recent date, but it is expected that in next financial year the expenditure of the Post Office will have fallen by perhaps £250,000 a year below its recent level. The net loss on the working of that Department should be reduced not only by that amount but by a further amount representing anticipated increase of revenue due to the resumption of more normal conditions in the country. The staffing generally of the Civil Service is under constant review and I have issued instructions to all Government Departments that no vacancies can be filled and no fresh appointments can be made without my sanction, and to obtain this it will be necessary for Departments to prove their needs. At the moment we have more than one heavy task on hand of a temporary character, for example, payment of compensation, collection of arrears of rent, and for these temporary tasks we have had to engage additional temporary staff so that at the moment our expenditure on staff, apart altogether from fluctuations in the cost of living, is higher than it is likely to be in a normal year.

The instructions which have already been issued from the Ministry of Finance for preparation of Estimates

[Mr. Blythe.]

for the next financial year lay particular stress on the necessity for all departments carrying out a strict scrutiny of their existing activities. It is explained that in general the financial position is such as to preclude sanction being given for additional charges on public funds, and that the possibility of sanction being given for any new service will normally depend on a clear demonstration that a compensating reduction is being effected in some essential existing service.

Of our total normal expenditure, about 10 millions, that is nearly one-half, is devoted to education in all forms and pensions, including Old Age Pensions. It is evident that the large saving that must be effected will not be feasible unless a fair contribution is made by these services which account for so large a part of our total charges.

As regards education, the Government feel that the time has come when the salaries of National School Teachers must be reviewed. I should explain that the present scale of salaries for these Teachers was fixed in November, 1920, on a basis which made no provision for variation in respect of changes in the cost of living. At the time when the negotiations leading up to the agreement fixing the salaries were taking place the cost of living was still rising, and the agreement was signed at the time when the cost of living was actually at its highest point, being 176 per cent. above pre-war. As Deputies know, the cost of living figure has steadily fallen since the end of 1920, and with it the salaries of Public Servants generally. A Civil Servant, whose salary at the end of 1920 was between £150 and £500 a year, has suffered a reduction varying 30 per cent. at the lower salary to 25 per cent. at the higher salary. Salaries outside the Civil Service have been affected in a similar manner, and we feel that it is not unreasonable that the very decided fall in the cost of living should be reflected in the emoluments of National School Teachers.

**AN CEANN COMHAIRLE** at this stage resumed the Chair.

**Mr. BLYTHE:** The salaries fixed in

1920 were anything from three to three and a half times the salaries obtaining before 1914, and even admitting that those salaries were abnormally low we cannot justify continuing to pay salaries so many times the pre-war salaries when the index figure of the cost of living shows an increase over pre-war of 80 per cent. If the ordinary Civil Service bonus were paid on the pre-war salaries the resulting remuneration would be approximately only half of the present salaries.

In view of these general figures, the Government have decided that an immediate cut must be made in the remuneration of the Teachers. They do not want to take drastic action at short notice and to make the full reduction, which the facts appear to justify, at once. They, therefore, propose that a reduction of 10 per cent. should be made with effect from the 1st of November, and that an inquiry should be set on foot immediately for the purpose of exploring the question as to what further adjustment may be proper.

Another definite economy that the Government are obliged to propose is in regard to Old Age Pensions. When these pensions were first introduced in 1908 the rate in the most usual case was 5s. As the result of war legislation it now stands at 10s. It was not intended at any time that the pension should provide the recipient with a complete and independent means of livelihood.

The 10/- rate was adopted when the cost of living had risen to 120 per cent. above pre-war and was still mounting steadily. It remained at 10/- when the cost of living index figure was 176 per cent. above pre-war. Judged in this light alone, it is manifest that a fall in the cost of living index figure to the present level of 80 per cent. above pre-war makes a *prima facie* case for substantial reduction of the pension.

Apart from the consideration of the pensioners themselves, it is necessary in this matter also to bear in mind particularly the weight of the burden imposed on the State. In 1920-21 the charge for Old Age Pensions in the whole of Ireland was £4,463,500, the total revenue of the whole of Ireland being then £48,845,000. At present the

charge for Old Age Pensions in the Free State is £3,277,000, the total revenue (according to the revised statement which has been circulated) being £24,761,405. That is, we are paying three-quarters of the all-Ireland pension charge of 1920-21 with only half the all-Ireland revenue of the same year.

In 1920-21 the charge for Old Age Pensions in Scotland was £2,456,000, the revenue of that country for the same year being £119,753,000. In 1920-21 Scotland spent 2 per cent. of her revenue on Old Age Pensions. At the same time Ireland spent 9.1 per cent. To-day the Free State spends 13.2 per cent. The fact must be recognised that the resources of the country are not equal to the present burden of the Old Age Pension charge. For this the pensioners may attribute a high degree of responsibility to those who have wasted and impoverished the country during the past two years. The Government, in their desire to extend every consideration possible to the old people affected, are confining their proposal in this matter to the most moderate limit permissible, and accordingly will not ask for a reduction of more than one shilling on the present rate of pension. Legislation on this matter will be introduced almost immediately and will deal with some points about means and other details, as well as the actual pension rate.

These economies that I have mentioned represent merely the application in the sphere of Government of measures of the same sort as those which have to be endured by other sections of the community. It cannot be contended that because certain classes of persons receive their money from the State they should, at the cost of the taxpayer, be shielded by the State from the harsh winds that blow upon the taxpayer himself. Civil servants, working men, soldiers, indeed all persons earning salary or wages throughout the country, have been experiencing, for some time, a reduction of at least their nominal receipts, and it would be improper for the State to continue to strain its resources by not aiming at some corresponding reduction of the receipts of teachers and old age pensioners. Reduced public charges will tend to operate towards reducing the

cost of living, and thereby compensate at least to some extent for the lowering of emoluments now proposed.

The general course of policy that I have now perhaps sufficiently indicated will, I hope, be taken as evidence of a recognition on the part of the Government that the time has come both for the State itself and all sections of the community to accommodate themselves to the economic and monetary charges that have been operating in our midst for a long time past. The cost of living index figures show conclusively that, whatever particular exceptions may be adduced, the cost of living in general has diminished to a marked extent during the past three years. The purchasing power of money has grown, and therefore a man may be as well off as before even though he may suffer a large reduction in the nominal amount of his salary or wages. If it was only reasonable, as everyone admits, that remuneration should increase in nominal amount during that period of war-time inflation when the pound was steadily losing in purchasing power, it is equally reasonable, and indeed necessary, that remuneration should diminish in nominal amount in consequence of the subsequent recovery by the pound of much of its former loss of purchasing power. The same accommodation to circumstances is required from those dealers in commodities who still fail to appreciate that the progressive inflation and rapidly falling value of money which afforded some excuse for and rendered possible the scale of war profits have ceased to be available in support or justification of any attempt to secure a similar scale of profits now.

For the purpose of facilitating the transition to that nominally though not really lower level of prices and wages which present conditions warrant and require, the Government, without hazarding the general pursuit of economy, are desirous that such resources as they can provide shall be applied in the most beneficial manner. Continuance of State aid to housing, which is also vital on other grounds, offers a prospect of being useful in this direction, and the Government will be prepared to formulate a suitable scheme as soon as there is evidence of a reason-

[Mr. Blythe.]

able adjustment of both prices and wages in the building trade. Between this scheme and the requirements of re-instatement for which large sums have now been put at the disposal of compensation claimants, a considerable contribution is made to the problem of affording employment for demobilised soldiers and others. In addition, the Government expect to be in a position to finance to the extent of perhaps a million and a quarter, a generous scheme of works for the improvement and repair of roads over the next eighteen months. The money for this scheme would not involve any addition to present State charges but would consist mainly of the proceeds, as at present, of motor vehicle duties plus the special rate which County Councils are required to pay to the Exchequer under recent legislation as their share of the compensation liability arising from the events of the last two years.

It is an essential feature of these schemes that they cannot be initiated until definite recognition is given to the fact that the Government, in the financial and economic interests of the country, cannot consent to allow them to be conducted in a manner that would raise or keep prices or wages above the nominal level at which they should fairly stand at the present time.

I have now, I trust, said sufficient about expenditure to enable Deputies to follow the general trend of policy. I have sketched the path by which it is hoped to arrive at budget equilibrium. In the meantime, heavy capital issues that are not a proper charge against revenue are required. The finding of money to finance these issues for compensation and the Army is a task that cannot be evaded or deferred. The magnitude of the task is still a matter of some surmise, but it is at least possible to be assured that it is not more than the present resources of the country can bear. The brunt of the abnormal expenditure on the Army has already, we may hope, been borne, and the balance yet to come should not prove too formidable. The sums required for compensation are still, to a great extent, indeterminate at least as regards the period since the Truce, but we know at least that the day of destruc-

tion is gone and that no new liabilities are arising on this account.

The Government have heretofore borrowed for these necessary purposes mainly by having recourse to the Irish banks. Our National Debt up to date has reached the total of £5,990,500 of which the banks have provided £3,795,000 by discounting bills. I need not tell the Dáil that it is not good policy for a Government to pursue too far the course of borrowing from the banks. Borrowing in this form, while it can provide a temporary but fallacious show of prosperity, is peculiarly liable to cause instability of monetary conditions and to end by necessitating measures which depress trade and create unemployment. It is, therefore, intended to seek a loan within the Free State at an early date for the purpose of attracting the national savings into our own securities. The country has now had sufficient experience of its new national and international status and of the possibility of maintaining stable conditions of administration to justify a confidence on the part of the Government that the citizens who have money to invest will now be prepared to buy the stock of the Free State with at least as much faith as they have shown in the past in investing their money abroad. The Free State is not a new country like Australia or Canada that must depend largely on the importation of capital from outside. Our people, on the contrary, have heretofore provided capital in large amounts for other countries, and especially by way of investment in the Government and industrial securities of Great Britain. They will henceforth have more abundant opportunity for investing their money at home with greater advantage both to themselves and to this country. The loan that we are about to issue will, in accordance with the recent Appropriation Act, have the absolute security of the Central Fund of Saorstát Eireann, and the charge in favour of the stockholders will, therefore, secure their rights in priority to any of the demands made on the Exchequer for the ordinary public services of the State. In addition to being an entirely gilt-edged security, the loan will possess for subscribers the advantage of giving a yield which, as this is our first venture on

the open market, must necessarily be somewhat more favourable than that obtainable in other investments of like standing which, however, are issued by borrowers better known in the outside financial world. Also, the loan will be an investment authorised by law in which Trustees may invest Trust funds.

It is the hope of the Government that a substantial subscription can be secured in the first instance from the actual free savings available in the country, whether in the form of bank deposits or otherwise. Next to this source the realisation of investments at present held in Government and other securities abroad is likely to be of the most service both to the State and to the investor, who will obtain by the exchange a higher income and at least equal security. In this connection I desire to call particular attention at this stage to the fact that the funds belonging to the Free State, which are now invested outside, include large amounts which are the property of various charities. Now, where the money of a Free State charity is invested in the Free State, the law allows it to be exempted from income tax. By a temporary arrangement having reciprocal effect, a similar exemption is at present allowed by the British Government where Free State charitable funds are invested in Great Britain. But this temporary arrangement is due to expire next March, and will not be renewed. Consequently the holders of Free State charitable moneys now invested in British securities, Government or otherwise, should take note of the fact that if they wish to continue to enjoy exemption from income tax they should transfer their investments in good time to securities within the Free State. The loan now about to be issued provides them with an opportunity of which they might be well advised to avail themselves. Approved Societies under the Health Insurance Acts are in a position similar to that of charities and the same considerations apply. I do not propose now to enter further into detail in regard to the loan. I only trust that from such indications as I have been able to give and from general observations of the trend of events

in the country, all those who have money to invest will realise how important it is that they should join in making this first issue such an unquestionable success that our credit will rank from the start as highly as it deserves.

**Mr. O'CONNELL:** The statement to which the Dáil has just listened is an exceedingly important one from many points of view. I think that the Minister is to be congratulated on making the position so plain at such an important juncture. On the whole, I think the position hopeful. It is not in any case such as many people had ventured to predict it would be, that is, those people who were not fully informed of what the position was. In the early portion of his statement the Minister referred to the progress which had been made, and is being made, to deal with the payment of awards. I think there is hardly a Deputy in this Dáil but knows that all over the country there are many complaints of delays in making payments, not only of those awards, but also of Army accounts. I am sure there is no Deputy here but has piles of letters from different parts of his constituency calling attention to accounts which have been repeatedly sent in to the Finance Department and which have not been met. There is no evidence that they are being met in a serious way. That is undoubtedly causing damage to the credit of the Government, because the general doubt that is raised in the minds of those people is, "Are the Government able to pay," rather than that they do not want to pay. I think that is a matter to which the Government ought to give their very serious attention. I do not intend to deal in anything like a general way with the statement of the Minister, except to direct attention to the fact that the only definite proposals which he has put before us this afternoon, apart from the large amount of generalisations as to the necessity for economy, are two definite proposals. Immediately from the 1st of November a cut of 10 per cent. is to be made on the salaries of National Teachers, and a shilling is to be taken off the Old Age

[Mr. O'Connell.]

Pensions. Except in a general way he has not told us what he is going to do to bring down the internal cost of administration. He has not given us any explanation of why it should require some thirteen to fifteen hundred servants or officials who administer the Free State service more than it took in 1914 to administer the whole Irish services. He has told us the Civil Servants generally have suffered decreases in their income on account of cost of living bonus decreases, but no attempt has been made to show how even their existing salaries and bonus compare with the rates of those whose salaries he proposes to reduce immediately.

It might be expected that in a matter of this kind the last services that should be interfered with without the fullest enquiry would be those which are most essential to the nation, and it might also be said that the very last that should suffer a reduction would be the poor old people who have just what is keeping them scarcely above starvation limit. I have considerable doubt, indeed, not only as to the wisdom of this policy of reducing old age pensions from the Government, and the national point of view, but as to whether they can be asked to take on any portion of the sacrifices which everybody must, apparently, take. If the income which the old age pensioner gets from the State is reduced he must get it somewhere else, and we can only have an extension of what the farmers complain of, and rightly complain of. He must go on the rates, and this must mean an extension of Home Help.

I will naturally be expected to say something with regard to the other definite proposition, but I would like to make it clear at the beginning that I am not here as an official, representing the people who will be affected. I am here rather as a public representative, and it is from that point of view that I would like to approach the matter. The Minister laid great stress on the necessity for the people of the Saorstát to have faith in their Government. That is essential, but it is not a good beginning, or a good example to set to the people from whom they expect faith, to be themselves faithless.

Some years ago a certain individual announced that it was his policy to say "To hell with contracts and to hell with agreements," and there was a very great outcry indeed, rightly so, in my opinion, against the adumbration of any such policy. If these agreements and contracts are not observed there can be no stability. The Minister has referred to a certain agreement entered into in 1920. I have it before me as I speak. It was entered into in a very solemn way, and it is signed by representatives of the body to which the Minister is a successor. I hope the Dáil will bear with me for a moment if I tell, as briefly as I can, the history of that agreement. I would like to state, in the first place, that I am sure that national teachers, just as every other body in the Saorstát, are prepared to bear their fair share of any burden which the State as a whole has to bear. I would like to emphasise that. But if they are to be asked to do that they ought to be assured of just and fair treatment. The Minister stated that under the agreement some teachers have salaries three to three and a half times more than they had pre-war. That is true in some instances, but he did not state that in pre-war days over 2,000 teachers had salaries—if you like to call them salaries—of £24 a year, and there are, no doubt, cases of teachers who have three and three and a half times as much as that salary. I think I need not dwell on the fact that teachers were underpaid in 1914, and that it was the policy, the stated and determined policy, of the British Government to keep them underpaid. Everybody here knows that. In 1918 a Commission was set up, presided over by Lord Killanin, and of which Most Rev. Dr. O'Donnell, Canon Maeken, the Protestant Bishop of Meath, and others interested in education were members, and if Deputies would care to interest themselves in the matter sufficiently to turn to that Commission's report they will see the studied decisions of people who went into the whole question, and the effect on education of this continual starvation of those who are engaged on the work of teaching. Repeatedly, during the years 1917, 1918, and 1919, the British Government were putting off the date on which they

would have to fix the salaries of teachers on a suitable scale.

A certain body, called the Civil Service Arbitration Board, was set up by the Cabinet, to which, in 1920, the National Teachers' Organisation appealed to settle and deal with the demand for a fixed and permanent scale of salaries. The British Treasury at the time objected to fixing a permanent scale of salaries. They put forward various reasons, but eventually the matter came to be tried before this Board. At that trial, or hearing, were represented the British Treasury, the Commissioners of National Education and the National Teachers' Organisation, and after hearing all of them fully, the Board decided, against the British Treasury representatives, that a permanent scale of salaries should be set up. It was as a consequence of that decision that the agreement referred to by the Minister was entered into. The Minister says that that contained no provision for the Cost of Living Bonus. That is quite correct, and deliberately so, and it is a strange thing to note that in all agreements connected with teachers, whether in this country or not, at the time, the cost of living did not enter materially into the fixing of the rates of salary. There must be some good reason for that. The main consideration was to fix a rate, or a scale, which would attract to the profession the proper class of men and women. It was not thought advisable that fluctuations of the cost of living should enter into the fixing of the scale. I want to draw particular attention to a point mentioned by the Minister. He said that if the Civil Service Bonus were given these teachers would have much less now than they actually have.

I would like to point out that if in 1920, when this agreement was entered into, they had got the 3 o'clock. then Civil Service Bonus they would have got actual money increases at the time, varying from £80 to £120, whereas they actually only got something like £30 or £40. The full rate of salary was payable only from the 1st April, 1922. That is a very important point inasmuch as it shows that while the actual terms of the decision were made in 1920 the full, or peak point of the salary was not

reached until two years afterwards. If the cost of living factor materially entered into the fixing of the salaries at that time, naturally the peak point of the salary would be paid immediately in 1920. That was not done, and what is the result? During the war years, when other workers were getting the peak bonus and generally had good salaries, and business people, and farmers even, were doing very well, teachers were doing very badly, and from 1920 to 1921 they were looking forward to the year when they would get their full salary and were living largely on credit in the meantime. That is pretty well known.

I have before me the arguments which were put forward by the Treasury at that time, and the word "permanent," as a description of the scales, is written all over this correspondence. When the settlement was arrived at the Department of Education issued a circular, which I have before me, and it is headed: "New Permanent Scale of Salaries for National Teachers." I do not know what definition or meaning was put on the word "permanent" except the ordinary accepted one, but I have learnt to-day that there is a new meaning to be put on it. "Permanent," if it meant anything in any case did not mean there were to be fluctuations according to the cost of living; it meant the direct opposite. I do not wish to dwell on this matter more than is necessary. There is a great deal I could say that I will take the opportunity of saying perhaps elsewhere, but at the moment I wish to dwell particularly on the way that this matter will be looked at. Here is a bargain, or agreement, or decision, solemnly entered into by three or four parties. One of the parties, without any kind of consultation whatever, simply scraps the agreement. I think that is not good policy on the part of the Government, apart from its other effects, and it will have other effects. If the Minister had come to the Education Department and said: "It is necessary to effect a saving,"—and the extent of this first saving, I may mention, would be something over £300,000—"of £300,000 on this Vote," I feel certain that if the matter were approached in that way,

[Mr. O'Connell.]

the Department of Education and the teachers themselves would be quite prepared and quite willing to endeavour to see things from the Minister's point of view, and as far as possible to co-operate. We have for the past two years seen a very great effort on the part of the Department of Education to bring back to this country its old civilisation and its old ideals through the instrumentality of the Gaelic language, and teachers who as everybody knows had for years spent most of their energies agitating for better conditions and better salaries, had wiped the slate clean of these things, and had turned their attention to what should properly be their functions, that is, seeing how the system of education could be improved. I think we had an example of that last Easter, when two very distinguished members of the Dáil at the annual meeting of the Teachers' Congress delivered addresses relative to matters, some of which will in the very near future be the subject of discussion in the Dáil. We had examples when the teachers, at very great inconvenience to themselves, undertook what was to them, or the majority of them, absolutely new work in the matter of the teaching of the Irish language, and preparing themselves to give instruction in it. I can only see before me now a renewal of the old years of agitation, because the proposal here is not a 10 *per cent.* cut, nor a temporary 10 *per cent.* cut, but an immediate 10 *per cent.* one, with a promise of revision of the whole basis on which teachers have been paid. I need not point out that if this country is going to make the progress which we all hope it will make, it must depend on the education of its people. Education, in the true and proper sense of the word, lies not so much in reading and writing and arithmetic, for that after all is not education, as in the character of the men and women engaged in the important work of education. You are not going to get men to lay down their minds to this important work if agreements entered into by them are simply scrapped without any proper consideration of the merits of the case, for I do allege that there has not been any proper consideration given

to the facts. Most of the statements made by the Minister in reference to that can be controverted. This is not the place to do that, and I do not intend to do it. Deputy Bryan Cooper, speaking earlier in the day, urged the advisability of the appointment of a small committee to go into the estimates of Government expenditure in order to see where the savings could be made. I think that the statement and the action of the Minister proves very conclusively the necessity for such a Committee. If it were appointed it could go over the whole field of educational expenditure and see whether or not economies equal to the amount which could be gained in this way could not be saved in another way. Repeatedly in the Dáil, and elsewhere, I and other Deputies have pointed out that economies could be effected in many ways to get that particular amount of money he is looking for, if that is the intention or desire of the Minister.

He may possibly have other intentions. He has referred to the necessity, as I said, of faith in the Government and for the organising of interest in the Government's proposals for a loan and the sale of Saving Certificates. I made a suggestion on one occasion that there was no method of organising in the country whereby the sale of Saving Certificates could be so well encouraged as through the schools and through the teacher. That is one of the ways that would recommend itself to a Minister who would know exactly the facts of the situation. **There is nobody who is** more closely in touch with the people in every little village or town than the teachers, and if the teachers were got to interest themselves; if it were put before them in this way: "Here is something that you can do to strengthen the financial position of the country," I have no doubt whatsoever that the teachers approached in that way would do it, and do it to a much larger extent than they can be expected to do it under the present circumstances. I will conclude by quoting what the Minister for Education said on the last occasion, I think it was when he was speaking on the estimates here. **What he said was that the bottom of**



education, as everybody knows, is good teachers, and when you obtain them you have to sustain them. The Minister for Finance is probably of a different frame of mind. There was one important statement made by the Minister in the course of his remarks. He said that "We know that the day of destruction has gone." I think that that statement ought to be emphasised. It is very important. But, in that connection, one will wonder why it is still necessary to spend something like between four and six millions a year on an army. I think that before essential services, such as education, and such things as old age pensions, should definitely come under the axe, the Dáil and the country should be assured that practically and actually steps have been taken to make equal savings in other Departments. It is not fair that old age pensioners should be asked to bear such a heavy share proportionately of this burden while having no evidence that the Minister's economies in other Departments are taking practical shape.

**Mr. DARRELL FIGGIS:** I was going to suggest that it might be fair if we had an opportunity of having the Minister's statement before us. Therefore, I would ask leave to move the adjournment of the debate.

**Mr. BLYTHE:** I quite agree; I have no objection at all.

**Mr. JOHNSON:** Before that motion is put, I would like to know if there is a date fixed on which this motion is to be determined—to what date is the adjournment? I heard rumours of a possible adjournment over a number of days, and it seems to me that if this debate is to be adjourned it ought not be adjourned beyond next Tuesday.

**AN CEANN COMHAIRLE:** I was going to suggest that the debate, in the position in which we are now, must be adjourned to the next day on which the Dáil shall meet. Perhaps the Minister in charge might say when that day will be.

**Mr. BLYTHE:** It is intended to adjourn to Wednesday fortnight, the 21st of November.

**Captain REDMOND:** That seems to

be a stereotyped phrase—"Wednesday fortnight."

**Mr. DARRELL FIGGIS:** Well, then, we have another half hour in which the matter can be gone into now. I suggest that the proposal that we adjourn to Wednesday fortnight, which Deputy Redmond is suggesting has become rather a stereotyped phrase in this Dáil, should not be pressed, but that this debate should be adjourned until next Tuesday.

**AN CEANN COMHAIRLE:** In any event, the debate must be adjourned at 4 o'clock. To move the adjournment of the debate now merely deprives the Dáil of a further three-quarters of an hour debate to-day. If it is the desire to adjourn the debate that could be agreed to. The question of the date to which the Dáil will be adjourned, which is really the same question, could then be discussed, and Deputies would be in a better position to discuss it if we give this three-quarters of an hour for that purpose, rather than if the adjournment were moved at five minutes to four.

**Mr. MILROY:** Do we not automatically adjourn at 4 o'clock? I ask the question, as I have given notice that I have an important matter to raise on the adjournment. If this discussion goes on until 4 o'clock, will the Dáil then carry on the discussion on the matter I am raising?

**AN CEANN COMHAIRLE:** We adjourn the ordinary business at 4 o'clock, but a Deputy who has given notice of other business will have a half an hour to discuss it.

**Mr. DARRELL FIGGIS:** As the matter that Deputy Milroy wishes to raise is important, it ought not to be crowded into half an hour. It was partly because of that statement that I was suggesting the adjournment of this question now. I do not think that it would be possible to say much further with regard to the statement of the Minister for Finance without having the speech before us in writing, and I say that especially because of the three-quarters of an hour that is left us.

**AN CEANN COMHAIRLE:** The

[An Ceann Comhairle.]

Motion is that this debate be now adjourned until the next day on which the Dáil shall meet.

**Mr. O'MAHONY:** Why not continue it until 4 o'clock?

**AN CEANN COMHAIRLE:** I shall put the question.

Question: "That the debate be now adjourned until the next day on which the Dáil shall meet," put and agreed to.

**Mr. JOHNSON:** I beg to move that the Dáil do now adjourn.

**AN CEANN COMHAIRLE:** A Minister must move that.

**Mr. BLYTHE:** I beg to move that the Dáil do now adjourn until Wednesday fortnight, 21st of November.

**Mr. JOHNSON:** I beg to move an Amendment, that the Dáil do adjourn until next Tuesday at 3 o'clock. I do so because the statement which we have just heard is one that will require to be discussed in the Dáil to prevent the possibility of the Ministry doing much more harm to the credit of the country and to its own credit than may have been done by the statement which has been made. I think it is necessary the Dáil should have an opportunity of discussing this statement and expressing its views upon it, and not allow the matter to be held over a fortnight. I, therefore, move that the adjournment be only until 3 o'clock on Tuesday next.

**Mr. DARRELL FIGGIS:** I second that. It is well known that the adjournments of this Dáil since it has met have not redounded entirely to its credit. Whatever excuse there might have been on an earlier occasion, which was that there was certain business to be transacted at Geneva does not now exist. The Dáil was then agreeable to that, because the people who were to go there were people whose presence in the Dáil was judged necessary to the proceedings. The Dáil was adjourned while they were away.

In any case that excuse, justified or unjustified, is now no longer available. Very important matters have been

raised here to-day, matters of the very first importance. There is business before the Dáil. The statement made by the Minister provides in itself sufficient business for discussion. There is no reason why we should not meet next Tuesday at 3 o'clock and proceed with the discussion on the Governor-General's speech, following a discussion upon the very important statement that has been made by the Minister for Finance. For that reason I second the proposal to adjourn until Tuesday at 3 o'clock.

**Major COOPER:** I think it is in the Government's own interest that we should not have so long an adjournment as what is called a fortnight, but what is in reality three weeks all but two days. This immensely important statement of the Finance Minister's is going to be discussed whether we like it or not. It will be discussed in the Press, by the National Teachers, and by people all over the country. Surely, it is better that it should be discussed here, where misconceptions can be corrected, and where the Government can continue to make their case. If it is discussed outside you will see interviews given to the Press correcting misconceptions. The Dáil is the place where the Ministers should make their case, and correct misconceptions, and for that reason I think a shorter adjournment than three weeks is needed.

**Mr. GOREY:** I desire to suggest that the adjournment should be only until next Wednesday week. I would also suggest that when the Governor-General's address is taken up let it be finished, and not, as in the last Dáil and this Dáil, be under discussion at different intervals. It is a most unsatisfactory way, and it does not reflect credit on the Dáil and our conduct of business. Let us take this matter up and finish it once for all. The method we have been adopting in regard to the Address is most unsatisfactory and undignified. As a compromise I would suggest Wednesday week.

**Mr. BLYTHE:** I have no objection to Tuesday next or Wednesday week, provided that the Dáil is satisfied to come back for the discussion of the Address alone. There will not be other business

of a substantial character before Wednesday fortnight.

**Captain REDMOND:** I have yet to be convinced in regard to the necessity for an adjournment at all. I think it is due to the Dáil, when an adjournment of this length is proposed, that we should be given some explanation. I think the Minister has given an explanation now to a certain extent, and that means that the legislation which is proposed in the Governor-General's speech is not quite ready.

If this is the rate at which we are going to proceed with the enormous programme laid down in the Governor-General's Address, I think it will take us a good deal longer than the time of the present session to get through anything like that programme. I think that in the interests of the Government and the Dáil, it would be wise in future for the Government, when proposing an adjournment of any length, to give the Dáil some reason for their proposal.

**AN CEANN COMHAIRLE:** Do I understand the Minister for Finance to agree conditionally to this amendment?

**Mr. BLYTHE:** Yes, if it is the desire of the Dáil, but I want simply to make it clear that there will be no other business except the Governor-General's Address if we meet before next Wednesday fortnight.

**Mr. BAXTER:** If the Minister is agreeable that we should come here on Tuesday or Wednesday, might it not be possible to continue the debate on the Address and finish it next week. It ought to be possible to finish it next week, and I think we should do so.

**Captain REDMOND:** On a point of order, I would like to ask whether the statement made by the Minister for Finance comes within the terms of the Governor-General's Address?

**AN CEANN COMHAIRLE:** Yes, the statement has been made on the Governor-General's Address, and I think it is relevant to the terms of the Address, stating that economies would be effected, and since the Address concerns the Government's general policy and the Minister's speech concerns the Government's general policy on finance, it is clearly relevant. I had

intended, in view of the importance of the speech, not to insist that Deputies who had previously spoken should be precluded from speaking on this particular matter of finance, merely as a matter of fairness to Deputies. The only other matter on the Motion of Thanks for the Governor-General's Address is the question of fisheries which is raised on an amendment by Deputy O'Connell. Before I put the amendment, I desire to know if there is any agreement as to whether we could meet next week, and if so, shall it be Tuesday or Wednesday.

**Mr. GOREY:** I suggest that we meet on next Wednesday week. That will give Deputies an opportunity to read the speech of the Minister in the official reports and of studying it.

**AN CEANN COMHAIRLE:** The point is, that there is no other business even on next Wednesday week except the business we are now engaged upon. Therefore, if Deputies have to come specially for that business, they might as well come next week as the week after, and the Minister prefers Wednesday to Tuesday.

**Mr. JOHNSON:** The importance of having this matter discussed at the earliest possible date is that it is so serious a statement. If we may postpone it until Wednesday, then we might as well postpone it to Wednesday fortnight or even to the Greek Kalends. Unless the Dáil can bring some influence to bear upon the Ministry to save it from what I consider a calamity, we need not discuss it at all. I feel the matter is one that requires the earliest possible discussion, and in view of the practice of the Dáil that we cannot meet satisfactorily on Mondays, I have suggested Tuesday.

**Mr. DARRELL FIGGIS:** I have seconded the motion that we meet on Tuesday, and I adhere to it if the proposer insists upon Tuesday, but there is one consideration that I would like to bring before the Dáil, and it is this: It is now Friday, and pretty late in the day. It is necessary that the Minister's speech be circulated to us, and that we should have an opportunity of studying it, and it is possible that if we met on Wednesday we would have an oppor-

[Mr. Darrell Figgis.]  
tunity of studying the statement better than if we met on Tuesday.

**AN CEANN COMHAIRLE:** I will now put the amendment. The original motion was that the Dáil at its rising to-day adjourn until Wednesday, the 21st of November, to which an amend-

ment has been moved to leave out the words "Wednesday, 21st November," and to insert in lieu thereof the words "Tuesday next at 3 o'clock." The question now is that the Dáil adjourns until Tuesday next at 3 o'clock.

Amendment put.

The Dáil divided: Tá, 20; Níl, 59.

**Tá.**

Pádraig F. Baxter.  
Seán Builéir.  
Bryan R. Cooper.  
Seamus Eabhroid.  
Darrell Figgis.  
John Good.  
Connor Hogan.  
Seamus Mac Cosgair.  
Tomás Mac Eoin.  
Pádraig Mac Fhlannchadha.

Tomás de Nóglá.  
Tomás O Conaill.  
Aodh O Cúlacháin.  
Liam O Daimhín.  
Eoghan O Dochartaigh.  
Domhnall O Muirgheasa.  
Tadhg P. O Murchadha.  
Pádraig O hOgáin (An Clár).  
Pádraig K. O hOgáin (Luimneach).  
William A. Redmond.

**Níl.**

Earnán Altún.  
Earnán de Blaghd.  
Seamus Breathnach.  
Seoirse de Bhulbh.  
Próinsias Bulfin.  
Seamus de Búrca.  
John Conlon.  
Henry Coyle.  
Louis J. Dalton.  
Máighréad Ní Choileáin Bean Uí  
Dhrisceóil.  
Patrick J. Egan.  
Osmonde Grattan Esmonde.  
Seán de Faoite.  
Henry J. Finlay.  
John Hennigan.  
Tomás Mac Artúir.  
Peadar Mac a' Bháird.  
Alasdair Mac Cába.  
Liam T. Mac Cosgair.  
Pádraig Mac Fadáin.  
Seán Mac Garaidh.  
Seán P. Mac Giobúin.  
Seán Mac Giolla 'n Ríogh.  
Risteárd Mac Liam.  
Seoirse Mac Niocaill.  
Liam Mac Sioghaird.  
Liam Mag Aonghusa.  
Pádraig S. Mag Ualghairg.  
Patrick McKenna.

Amendment lost.

**Mr. DARRELL FIGGIS:** Could we now get an agreement for Wednesday?

**Mr. GOREY:** I proposed an amendment that the Dáil meet next Wednesday to discuss the Governor-General's Address.

**The PRESIDENT:** I think the Deputy moved Wednesday week, and I would be prepared to accept Wednesday week. I understood that was the proposal Deputy Gorey made before. I should say that the machine

that is turning out legislation has been working at a fairly high pressure. Something like 43 Acts were passed, I think, in the last Dáil, and two Acts have already been passed in this Dáil. During the period that has elapsed since the Dáil was elected there have been other occupations for Ministers, apart from the consideration of the ordinary business of the Dáil, which have absorbed a great deal of time. We realise the necessity for an early discussion of the statement of the

Martin M. Nally.  
John T. Nolan.  
Peadar O hAodha.  
Micheál O hAonghusa.  
Cristóir O Broin.  
Seán O Bruadair.  
Próinsias O Cathail.  
Aodh O Cinnéide.  
Conchubhair O Conghaile.  
Seamus N. O Dóláin.  
Tadhg S. O Donnabháin.  
Micheál O Dubhghaill.  
Peadar S. O Dubhghaill.  
Pádraig O Dubhthaigh.  
Eamon S. O Dúgáin.  
Seán O Duinnín.  
Donchadh S. O Guaire.  
Micheál R. O hÍfearnáin.  
Aindriú O Láimhín.  
Seamus O Leadáin.  
Thomas O'Mahony.  
Pádraig O Máille.  
Risteárd O Maolchatha.  
Pádraig O hOgáin (Gaillimh).  
Seán M. O Súilleabháin.  
Andrew O'Shaughnessy.  
Caoimhghín O hUigín.  
Seán Priomhdhail.  
Patrick W. Shaw.  
Liam Thrift.

Minister for Finance, but if we were to come back on Tuesday next there would be no business other than this discussion on the Governor-General's Speech, and I do not think the large expenditure of time and money would be warranted for that, having regard to the fact that in the ordinary business of the Dáil here the discussion on the subject of the Governor-General's Address or the consideration of Estimates forms very useful material for utilising when dealing with a number of Bills. The great number of Bills of which notice has been given in the Governor-General's Speech necessitate First and Second Readings, with intervals between them, which some people might call waste of time, but which are necessary under the Standing Orders, and which it is only fair that members should have in order to enable them to form judgments, propose amendments, or discuss the Bills. I think on Wednesday week we might be in a position to have some other measures in a fair state for presentation, and I propose to accept that if the Dáil will agree.

**Mr. GOREY:** I accept the President's suggestion.

**AN CEANN COMHAIRLE:** The motion of the Minister for Finance is therefore altered to read: "Wednesday, 14th." The motion is therefore: "That the Dáil adjourn until Wednesday, 14th November, at 3 o'clock." There can be no further amendment, and we will take that as agreed in order to give Deputy Milroy an opportunity of speaking.

**Mr. JOHNSON:** Take me as dissenting.

### NORTHERN BOUNDARY COMMISSION.

**Mr. MILROY:** I have a substantial reason, I think, for having given notice that I would raise this question on the Adjournment. A very important statement, or at least, a statement which has very important implications, has appeared in the daily papers. I hope the matter of Ulster and the Northern question is of sufficient interest to retain the attention of Deputies in this

assembly of the Irish Free State. Announcements have appeared in the Press which, as I said, have important implications. The Dáil is now adjourning for a period, that I had anticipated would be longer, but at any rate it will be of sufficient duration to allow of possibly very mischievous speculations to be indulged in, unless some authoritative statement was made by the responsible head of the Free State Government. It is for that reason, mainly, that I have raised this question to-day. Before I give way to the President to make a statement I should like to make one or two remarks upon this question of North-East Ulster. I am greatly afraid that many people in Ireland, whether in the Free State or in the other section at the moment outside the Free State, have suffered for some time from the illusion that the Free State, and those responsible for it, were going to acquiesce in allowing the Ulster provisions of the Treaty to become a dead letter. If I thought that was possible I would sit in a very different part of the Dáil, if I sat in it at all. It is because I have implicit faith and confidence in the Government to see that Clause 12 is carried out in the letter and in the spirit that I have refrained from raising this matter sooner. Ireland and Britain on the 6th of December, 1921, entered into a solemn International compact. As regards this particular Clause, with which I am dealing, I, myself, had some slight minor responsibility in assenting to it when it was being drafted, and therefore I take more than a superficial interest in it. That compact was entered into on the understanding that every-one of its Clauses would be honoured, that it would not be a question of honouring one and cancelling or ignoring another, but that every one would be carried out in the letter and the spirit that animated the men who brought to an end the conflict between the two countries. I believe that England will carry out her part of the compact with regard to Clause 12. I believe it will be in her interest to carry out Clause 12 of the Treaty, for the Free State has given pledges of its desire to honour the Treaty in every Clause, given pledges in blood and treasure that we cannot yet compute

[Mr. Milroy.]

the value or the volume of. We are not going to allow these sacrifices—which we made in men and money, in suffering and in sacrifice—to go for nought.

If England should dare to attempt to violate Clause 12, or escape its implications, then we tell her that there are other Clauses in the Treaty which will go by the board if Clause 12 goes by the board. I think it is time that this sentiment was uttered emphatically and without any equivocation whatever, because there has gone abroad a feeling in England that, after all, we here should not expect that England would take seriously her commitments with regard to Clause 12. We will take her seriously, but the manner in which she has so far adhered to her part of the bargain gives me confidence that it will be rather the sense of honour than the threat of consequences that will keep her to the faith to which she is pledged in this matter. Now, a great delay has taken place with regard to this matter, but I think so far as the Free State is concerned that the time of delay has terminated. The Minister for Home Affairs recently, in a statement reviewing the national position, said in regard to this particular matter, "The case is prepared, the facts are collated, and the relevant statistics are available." That seems to be really equivalent to an announcement of "Seconds out of the ring." So far as we are concerned there is no further reason for delay.

I have seen that the Press has stated that a conference is to be held some date in the future—I hope it will be in the near future—between representatives of the Free State and representatives of the Belfast Parliament. I am glad that our Government has not turned down such a conference. I believe it will be a good thing that representatives of the heads of the Free State Government and of the Northern Parliament should come together and discuss matters which are of common interest to both, because the interests of Ireland as a whole are dear to both, whether they are people from the Free State or people from the North. If we could once break down that damnable barrier which

sectarian bigotry and intriguing politicians have made, we would soon put an end to the divisions between the two sections of the country. The more association there is of members of the Free State with those of the North to discuss matters of common interest the sooner will we bring an end to this division that has separated us heretofore. I know, at any rate, that the late President Griffith and the late Michael Collins would certainly have supported the idea of such a conference. After all, even if the Boundary Commission operates, it will not bring that ideal of national unity in the full sense, because it will only deal with certain areas of territory which are in dispute, whether they should come into the Free State or remain under the Northern Parliament. After that is over there will still remain a matter that will require tact, confidence, and understanding between the two sections of the country in order to evolve that ideal unity of territory and civic interest which is the hope and the dream, I think, of every well-disposed citizen in the whole thirty-two counties. This, I do say, that while I commend the idea of this conference, I do not see where it is going to bring us in regard to the real, concrete, practical question which we are up against. Clause 12 must stand. The Boundary Commission must operate, and must operate equitably, or the Treaty has been violated, and who can say what will be the consequences if that transpires? We cannot afford to allow our rights under the Treaty, and established in Clause 12, to be diminished or altered in the slightest degree. We have stood by the Treaty at, as I have said, great cost in blood and treasure and national agony, and the price that has been paid for our honouring the Treaty has been too great to allow it to be violated now with our consent.

I welcome those conferences. I have raised this matter so that the President may put us in possession of some slight indication of what are the facts. The person representing this Government who goes into conference will thereby possibly have an indication of what is the mind of the people behind him in this matter. That will

strengthen his attitude there. When he returns I hope he will return not with an accomplished fact to which we have been committed, but with proposals for our consideration, and we will decide upon them in the real interest of Ireland according to our judgment. There must be no prejudicing of Clause 12. There must be nothing done that will give credit to those pessimists who have told the people in the North that we had let them down. There must be nothing now or hereafter that will vindicate those pessimistic falsehoods. We have not let the people in the North down; we have not abandoned them. Clause 12 can be made not only their charter of liberty, but also can be made the instrument by which that artificial division can be broken, and by which ultimately the nation's unity can be restored on even a greater and nobler plane than that on which it existed before it was ever challenged.

**Mr. BAXTER:** Personally, I am very glad Deputy Milroy has raised this question. I feel sorry that it has not been raised long ago. I come from Deputy Milroy's constituency, and up there we feel and know what it means to be living along a hostile border.

It struck me when this question was raised, and when I saw the exodus of Deputies from this Dáil that many of the Southern, Midland and Western Deputies are not as interested in the North as they might be and should be, and perhaps it would be better if some Deputy from the parts of Ireland I mention should raise this question rather than that a Deputy from the North should be called upon to do it. Deputy Milroy says that there are feelings in the minds of the people in the North that they have been let down. I am afraid that no matter what effort is made to re-arrange the border that some people in the North will be let down. That is a fact we must recognise at the moment. We will be glad for a statement from the President on the question of the boundary re-arrangement. But there is one point in particular that I want to bring under his notice. I have been discussing it along with other Deputies in the constituency with the men engaged in the boundary

work. We had occasion to bring under their notice that all along the border of my county for a distance of 42 miles it is not possible to cross into the North of Ireland. I wonder how would any of the Deputies from other constituencies feel here if for a distance of 42 miles along two counties they could not cross over into their neighbour's farm. We have no approved road in West Cavan from Swanlinbar up to the Monaghan border.

**AN CEANN COMHAIRLE:** This question does not arise on the Boundary Commission. It is a question for the Revenue Commissioners.

**Mr. BAXTER:** I think it is a very important question for the Boundary Commission. I discussed it yesterday with men engaged in the Boundary Commission, and they pointed out it was work for the Boundary Commission.

**AN CEANN COMHAIRLE:** The Deputy is not in order in raising this under the present motion.

**Mr. BAXTER:** I am sorry if I have transgressed. I am sorry this matter was not taken earlier. I had hoped to bring it under the notice of the President.

**AN CEANN COMHAIRLE:** The Deputy has done so very successfully.

**Mr. BAXTER:** I do agree that the whole question of the differences separating North and South are not differences that can be composed by force of arms. We can never successfully agree on any matter if we have to fight to the death to find agreement. I agree with Deputy Milroy when he says that it is possible conferences may do good. I think if people are able to meet and discuss common problems there may be a possibility of an understanding being reached, and it would be good that they could meet in that spirit. But it is absolutely essential that the point of view of the people who stand for a united Ireland should be regarded at all times as the dominant thought in the minds of those who go from here to meet the men who live in the North-East corner. Those who live adjacent to the boundary know the troubles and

[Mr. Baxter.] the hardships imposed by its existence. It is making matters very complicated for the traders, businessmen and farmers in that part of Ireland. It is of such serious moment to many of the people in my constituency that business in some of our towns is now not more than 40 per cent. of what it used to be. It is a very urgent matter for people in my county, and I do hope that if nothing can be done in the near future to have an agreement on this matter, an agreement that will be more satisfactory than the present state, that an effort will be made to have that Article of the Treaty complied with. There are many misgivings in the minds of the people up there that it is a dead letter, that the boundary is marked out at present and will remain where it is. Something has to be done to disprove that, and the people down here have to give an earnest of their sincerity, if there is sincerity in this matter. They have to show us that this Article of the Treaty is to be complied with, and I think the sooner they get a move on the better it will be for their reputation.

**AN CEANN COMHAIRLE:** This matter must be concluded, technically, before 20 minutes past four, but at the very latest at 4.30, and the President must be given an opportunity to reply. That, after all, is the most important portion of this debate, the President's reply to the points raised by Deputy Milroy and Deputy Baxter. We cannot have several Deputies speaking, and we cannot have a debate.

**Mr. DOHERTY:** May I take it that I have five minutes?

**AN CEANN COMHAIRLE:** No, two Deputies have risen, and I think the simplest thing would be to have the President's reply.

**Mr. DAVIN:** May I ask a question? I just want to give a short explanation of the reason why—

**AN CEANN COMHAIRLE:** If the Deputy can put his question simply we will allow him.

**Mr. DAVIN:** The question I want the President to deal with in his reply con-

cerns a statement made on the 13th of October by the Managing Director of the Belfast Parliament, as follows:—  
“They had schemes on foot to ease the situation with regard to the railways. The present railway system was not a good one. In the old days the railways worked their traffic from North to South, but in future there would be amalgamation, and they would be worked from West to East—”

**AN CEANN COMHAIRLE:** The Deputy is not in order. This is a different matter, and it must be raised separately.

**Mr. DAVIN:** I am asking this question now—

**AN CEANN COMHAIRLE:** The Deputy must sit down, please. We will hear the President.

**The PRESIDENT:** Press references have been made to communications between the British Government and the Government of Saorstát Eireann. Any information which has been secured has not been furnished directly or indirectly by the Irish Government. There have been letters on this subject, some of which have been already published. There has not been agreement as to the date of further publication. There have been references in the Press to statements alleged to have been made by Sir James Craig, both on behalf of the Northern Government and of Ulster. Sir James has the right to speak on behalf of the Northern Government—as to Ulster he has not the right to speak. There are three Ulster counties out of nine in the area of the jurisdiction of the Irish Free State. Two, others have also unmistakably shown their determination to be included in the area of the jurisdiction of the Free State, that is five counties out of nine. As to the matter of a conference, let me say that there has been no question of a conference on the basis of the agreement of January, 1922, and there will be none. If there be a conference the Oireachtas is the final arbiter in matters dealt with by the Government at the conference. We have not been appointed by the Dáil as Plenipotentiaries in any conference which may be held. The persons appointed by the



Dáil as plenipotentiaries to negotiate and conclude a Treaty with Great Britain were in a different position. They negotiated and concluded a Treaty. It has been ratified by both countries. Its terms are binding—it is the law. The Government have not the power, if they

had the will, to alter the terms of this Treaty. If any proposal should be made for any further agreement such proposal must be submitted to the Oireachtas.

The Dáil adjourned at 4.15 p.m. until Wednesday, the 14th November.

# DÁIL ÉIREANN.

DÉ CÉADAÓIN, 14ADH MÍ NA  
SAMHNA, 1923.

(Wednesday, 14th November, 1923.)

Do chuaidh an Ceann Comhairle i  
gceannas ar a 3 a clog.

## CEISTEANNA.—QUESTIONS.

### ORAL ANSWERS.

#### DUBLIN UNEMPLOYED.

**AILFRID O BROIN** asked the President if the Government have any scheme under consideration for the relief of the unemployed in the City of Dublin.

**MINISTER for FINANCE (Mr. E. Blythe)** replying for **The President**: As has already been stated in the Dáil, the Government is considering measures for the relief of unemployment by stimulating work on the roads and on housing schemes, if it proves possible to carry out such work at a reasonable cost. The city of Dublin will have its share in any such arrangements as are made, but no special scheme limited to Dublin is in contemplation.

#### A BURNED WORKHOUSE.

**PADRAIG O hOGAIN (An Clár)** asked the Minister for Finance whether compensation has been awarded in respect of the burning of Seariff Workhouse, in Co. Clare, and to what amount; whether the rebuilding clause will operate in this award, and to what amount.

**Mr. BLYTHE**: No award has yet been received, but the case is at present under consideration.

#### DUTIABLE TRAFFIC AT GREENORE.

**TOMAS MAC EOIN** asked the Minister for Finance if he is aware that,

owing to inadequate and unsatisfactory arrangements for dealing with dutiable traffic at Greenore—involving considerable delay and additional expense to traders—inward traffic is being diverted from Greenore to ports outside the Saorstát, where better Customs facilities are provided; whether the Saorstát Customs Authorities have received repeated representations on the matter from the London, Midland and Scottish Railway Company, and what steps, if any, he intends taking to remedy a state of affairs calculated to detrimentally affect the Port of Greenore, and which reflects unfavourably on the efficiency of Saorstát administration.

**Mr. BLYTHE**: Enquiries are being made into this matter, and I must ask the Deputy to postpone his question pending their completion.

**Mr. JOHNSON**: When would the Minister suggest I should put the question again?

**Mr. BLYTHE**: In about a week's time.

#### OLD AGE PENSIONS.

**AILFRID O BROIN** asked the Minister for Finance if, before reducing the Old Age Pension allowance, he will appoint a Committee to consider the matter; whether the advantages to be gained by the reduction are not outweighed by the great hardship it will inflict on thousands of the deserving pensioners in the Free State.

**Mr. BLYTHE**: There is no occasion for having a Committee on this subject as the Government already have access to sufficient sources of information. The question involved is one of policy. It is a matter of imperative necessity to effect a substantial economy, but the Government in considering the draft of the Bill that will be required in this matter will have due regard to all proper representations calculated to be of assistance to the pensioners without prejudicing the efforts of the Government to find in this Service a fair contribution to the total saving of about four millions which the Public Services as a whole must provide.

## CLEARING FACILITIES AT THE PORTS.

**Mr. PATRICK W. SHAW** asked the Minister for Finance if he is aware that dutiable goods at present being imported into the Saorstát are held up by the Customs officers at the various ports and railway stations, for periods of at least one month, and in many cases up to six months; whether, owing to the great inconvenience caused to traders and persons requiring such goods, proper clearing facilities will be afforded.

**Mr. BLYTHE:** I am not aware of any case in which dutiable goods have been held up by the Customs Authorities where accurate documents have been presented, but if the Deputy can supply me with particulars of any specific cases I will have enquiries made. I am not clear as to the facilities to which the Deputy refers in the second part of his question. The Customs Authorities are only responsible for the examination of goods and the collection of the proper duties; they are not responsible for providing facilities for the actual clearance of the goods.

**Mr. P. W. SHAW:** Arising out of the Minister's answer I would like to know whether the necessary declaration forms will be supplied to the Post Office for the use of the local Custom officers, as at the present time it takes at least a fortnight to obtain the forms, and this is the principal difficulty and delay in obtaining the goods.

**Mr. BLYTHE:** I will have attention given to that matter.

## TAX ON DOMINION DIVIDENDS.

**Major BRYAN COOPER** asked the Minister for Finance what rate of income tax is payable on dividends on investments in other Dominions, where income tax in the Dominion of origin has already been paid.

**Mr. BLYTHE:** Arrangements for relief from double taxation have not been effected except with Great Britain. A Saorstát resident receiving a dividend from an investment in a Dominion would, therefore, pay Saorstát tax at the full rate normally

appropriate to his case on the nett amount of the dividend.

**Major BRYAN COOPER:** Arising out of that answer, may I ask whether any steps have been taken to make these arrangements for Canada, Australia and South Africa?

**Mr. BLYTHE:** The matter has been under consideration, but no definite steps have yet been taken.

## INCOME TAX ARREARS.

**Mr. PATRICK W. SHAW** asked the Minister for Finance if, owing to the present serious financial position of traders and farmers in Ireland, reasonable facilities will be afforded to persons on whom demands for income tax arrears for past three years have been served; whether the amounts claimed may be paid by instalments, so that the present drastic steps of seizing on such person's property may only be exercised where the person is well known to be able but unwilling to pay.

**Mr. BLYTHE:** The Revenue Commissioners are always prepared to give full consideration to a request for payment by instalments in any case where payment of arrears of Income Tax in one sum would involve hardship. It must be understood, however, that it rests with the taxpayer to obtain this concession in the first instance before the question of enforcement of the tax arises. Where no concession has been obtained and compulsory measures have to be taken, the Revenue Commissioners cannot then consider any question of instalments.

## INCOME TAX REFUNDS.

**Mr. JOHN J. COLE** asked the Minister for Finance if he will state approximately in how many cases to date residents in the Saorstát have had income tax deducted at the rate of 9/6 in the pound; whether immediate steps will be taken to expedite a refund of the amount overcharged, and what steps individuals should take in the matter.

**Mr. BLYTHE:** There are no official statistics available on this matter, but it may be taken that the number of

[Mr. Blythe.]

cases in which income tax of 9s. 6d. in the £ has been deducted from dividends payable to residents in Saorstát Eireann is very small in proportion to the total number of dividends received in this country from outside. Residents in Saorstát Eireann can in nearly all cases avoid the deduction of income tax at a rate exceeding 5s. in the £ by completing certain prescribed forms which are obtainable from bankers or the British Inspector of Foreign Dividends, York House, Kingsway, London, W.C.2. Where owing to the non-completion of forms at the proper time, or otherwise, an excessive deduction of British income tax has been made repayment of such tax may be claimed from the British Chief Inspector of Taxes (Foreign Claims), Cecil Chambers, 86 Strand, London, W.C.2., who, it is understood, will make the necessary repayment with as little delay as possible. On this matter generally I would refer the Deputy to the reply given by me to Deputy Good on 31st ultimo.

### REVENUE FROM PATENT MEDICINES.

**TOMAS MacEOIN** asked the Minister for Finance if he can state what is the annual value of patent medicines sold within Saorstát Eireann; whether any duty is payable thereon, and, if so, what is the amount of revenue derived from such duty; or if no duty is payable, whether an estimate has been made of the revenue that would be obtained if a duty equal to that now payable on patent medicines in Great Britain were imposed.

**Mr. BLYTHE:** The answer to the first part of the question is in the negative. The Patent Medicines Duty has never been levied in Ireland. The Act (the Medicines Stamp Act, 1802) under which the duty was last imposed was passed before the Irish and British Exchequers and taxing systems were unified following the Act of Union. The Medicines Duty was never extended to Ireland, and at the present moment the position is that patent medicines are dutiable in Great Britain but not in Northern Ireland or here. The answer to the second part of the

question is that patent medicines are not liable to duty in the Saorstát. The answer to the third part of the question is that there is no information available at present as to the annual value or quantity of patent medicines sold in the Saorstát, and that in the absence of such information it is not possible to frame an estimate of the revenue that would be obtained from a duty on patent medicines.

### WARDERS' SUBSISTENCE ALLOWANCE.

**DOMHNALL O MUIRGHEASA** (for **Sean Buitléir**) asked the Minister for Home Affairs whether a special subsistence allowance was sanctioned to prison officers who were compelled to quit Waterford Prison in August of last year, consequent on the prison being taken by the irregular forces; whether he is aware that payment of this allowance to temporary warders has been refused by the Prisons' Board, and, as the allowance is of a purely special and exceptional nature and not governed by any rate of subsistence allowance, and as the occasion was also exceptional, whether he will now see that the allowance is paid to the temporary warders concerned.

**MINISTER for AGRICULTURE** (**Mr. P. Hogan**) replying for **Minister for Home Affairs:** Certain prison officers were compelled to vacate their quarters in Waterford Prison in August, 1922, on the occasion of the occupation of that prison by Irregulars. Authority was given for the payment to the officers concerned of allowances based, for the first 14 days of absence, on the rates paid to officers detailed for temporary duty in other prisons, and based for the subsequent period of absence on the usual rates of lodging allowance appropriate to the various ranks. This authority did not extend to cover the cases of unmarried temporary warders. These officers hold their appointments on a daily tenure, and on the occasion referred to were exceptionally well treated in being retained in the service, instead of being paid off when the prison was evacuated by the Prison Authorities.

## DESTRUCTION BY RABBITS.

**SEAN O DUINNIN** asked the Minister for Agriculture whether he is aware that rabbits, which have increased enormously in numbers during the past few years, have caused immense damage to crops throughout the country, including rape and potatoes, crops not hitherto touched by this prolific pest; whether he is aware that farmers are powerless to cope with this evil; whether he would consider the advisability of using demobilised soldiers during the breeding months next season to shoot down the rabbits, killing thereby the unborn young, which method has proved most effective in Australia; whether he would consider the advisability of appointing Inspectors of the Department to investigate and report on the destruction done by this pest and on the loss to farmers resulting therefrom.

**Mr. HOGAN:** I understand that during the last two years rabbits have become a serious pest and have done considerable damage to crops in some districts. I am informed that this was because rabbit warrens had not been systematically trapped, professional rabbit trappers being averse to carrying on their work in country districts owing to the disturbed conditions. For the same reason farmers have not been able to use guns, while farmers in many districts have reported that traps set by them have been stolen from their lands. In these circumstances, it can hardly be correctly said that traps, snares, and ferrets have not been effective in clearing away the rabbits. Enquiries have been made as to the methods used in other countries, more particularly in Australia, and those inquiries covered the use of poisons and of an apparatus for the fumigation of burrows, but the information obtained indicated that where the use of poison and fumigation had been successful the conditions were totally dissimilar to those obtaining in this country, and apart altogether from the dangers attending the use of poison, it was considered unlikely that good results would be obtained here from these methods. I have no information as to the value of guns as compared with

poison but trapping, snaring, and ferreting are regarded in Ireland as the best means of destroying rabbits. It is not considered necessary to take steps to get cheap ammunition and to employ demobilised soldiers during the spring months of next season, because it is expected that, with the return of normal conditions, the trapping of rabbits on demesnes will be undertaken by owners or let to trappers as heretofore, that trapping by farmers will be again undertaken, and that as permits for the use of guns are being issued, farmers will be able to keep rabbits in check by shooting. It is felt that the putting into operation of all these measures will reduce the number of rabbits down to the point where the damage they will be able to do to crops will not be appreciable.

Where the circumstances warrant it, and the necessary information is given to the Department, the owners or occupiers of demesnes which are situated in proximity to cultivated lands will be approached with a view to making some arrangements for the systematic trapping of the rabbits thereon.

The suggestion in the last part of the question that proceedings for payment in lieu of rent, rates, etc., should not be taken against occupiers of holdings on which rabbits are numerous could not be considered.

## DE CLIFFORD ESTATE, MAYO. QUESTION OF DIVISION.

**Mr. MARTIN M. NALLY** asked the Minister for Agriculture if he is aware that the De Clifford Estate, Mayo, taken over by the Congested Districts Board as far back as 1911, is still undivided, and that acute congestion exists in the townlands of Facefield, Coolaghbawn, Acres and Derroul, among the tenants whose valuation does not exceed £5, and whether it is intended to provide economic holdings for those tenants out of the untenanted lands on the estate.

**Mr. HOGAN:** This Estate has not been divided owing to the want of suitable land for enlargements. There was no untenanted land on the Estate, except bog; but there are large areas,

[Mr. Hogan.] including non-residential and other tenanted holdings, within a distance of a few miles which it will be possible to acquire under the powers of the Land Act, 1923, for the relief of local congestion. When the Land Commission come to deal with the district they will consider how far it may be necessary to migrate some of the tenants in the acutely congested townlands named in the question.

### **WEEDS AND AGRICULTURAL SEEDS ACT IN MEATH.**

**Mr. DAVID HALL** asked the Minister for Agriculture whether he is aware that a very large number of land owners in Meath, particularly in Dunshaughlin Rural District, failed to comply with the provisions of Part I. of the Weeds and Agricultural Seeds (Ireland) Act, 1909; whether any inspections were made of the lands in Meath for the purpose of ensuring the destruction of noxious weeds, and whether it is the intention of the Department of Agriculture to institute prosecutions against offenders.

**Mr. HOGAN:** Inspections were made of the lands in County Meath for the purpose of ensuring the destruction of noxious weeds, and from reports received I am aware that there were in this county 532 holdings on which noxious weeds were growing. In 273 of these the occupiers satisfied the Department's Inspectors that they would voluntarily destroy the weeds. In 259 cases notices under the Weeds and Agricultural Seeds (Ireland) Act, 1909, requiring the destruction of the weeds within a specified time, were served upon the occupiers, and 39 of these notices were issued in Dunshaughlin Rural District, which is specially referred to in the question. After a final inspection it was found that in only two cases in the county the occupiers had not destroyed the weeds or started on the work of destruction, and in these cases prosecutions are being instituted. One of the farmers to be prosecuted is in the Dunshaughlin Rural District.

### **BARONIALY GUARANTEED RAILWAYS.**

**Mr. JOHN J. COLE** asked the Minis-

ter for Local Government if he will state how many baronially guaranteed railways have paid their dividends during the last two years; whether he will state in how many cases these companies were able to pay a dividend, or in how many instances the Baronial Guarantees have been received by companies who still decline to pay a dividend; whether, in view of the fact that many small holders are seriously affected by loss of dividends, he will impress on these companies the propriety of at once paying all dividends to date.

**MINISTER for LOCAL GOVERNMENT (Mr. Burke):** This question should have been addressed to the Minister for Industry and Commerce.

**MINISTER for INDUSTRY AND COMMERCE (Mr. J. McGrath):** The Baronially Guaranteed Railway Companies, which are in arrear with the dividend on their Guaranteed Stock, are as follows:—

Cavan and Leitrim Railway.—The Guaranteed Dividends for the half-years ended 1st November, 1921, 1st May, 1922, and 1st November, 1922, have not been paid for the reason that the Baronial Contributions from the Leitrim County Council for these three half-years have not yet been received by the Company.

West Clare Railway.—The Guaranteed Dividend for the half-years ended 31st January, 1923, and 31st July, 1923, have not yet been paid. The last payment received by the Company from the guaranteeing areas was for the period ended 30th April, 1921.

South Clare Railway.—The Guaranteed Dividend for the half-years ended 31st January, 1922, 31st July, 1922, 31st January, 1923, and 31st July, 1923, have not yet been paid. The Dividend for the first of these periods will, I am informed, be paid during the course of this month. The last payment received by the Company from the guaranteeing areas was for the period ended 31st October, 1921.

Timoleague and Courtmacsherry Railway.—The Guaranteed Dividend for the half-year ended 30th June, 1923, has not yet been paid, but I am informed the contribution from the

guaranteeing area has been passed for payment and the Dividend will be distributed at an early date.

It will be seen, therefore, that the non-payment by the Companies of the Baronially Guaranteed Dividend is attributable to the delay in recovering the contributions from the guaranteeing areas.

**Mr. COLE:** Is the Minister aware that every such railway in the Northern area has paid a dividend?

### POST OFFICE STATISTICS.

**MICHAEL O hIFEARNAIN** asked the Postmaster-General: (a) What are the gross receipts of the Post Office service up to the last accounting date, from the 1st January, 1923; (b) what is the gross expenditure on the Post Office service from the 1st January, 1923, up to the last accounting date; (c) what is the gain or loss on the conduct of the Postal service up to the last accounting date, from the 1st January, 1923; (d) what are the rates of pay for the (1) Indoor Staff of the Post Office Service, (2) for the Outdoor Staff; (e) what are the duties of Rural Postmen in addition to the delivery of letters; (f) what is the average length of walk of each rural postman; (g) what was average length of walk in 1914.

**AN CEANN COMHAIRLE:** Questions such as this, which ask for an elaborate return, should really be put down as a motion asking for a return. In this case, and until such arrangements are made, I would ask the Minister to give a copy of the answer to the Deputy and to have it circulated in the Official Report. The proper procedure is to move for a return.

**POSTMASTER-GENERAL (Mr. J. J. Walsh):** I will have the reply circulated.

Reply:—1. (a), (b), and (c) It is not possible in the middle of the financial year to give an actual statement of Post Office accounts without much trouble and delay. There are many accounting transactions with other countries and with other departments. I fully reviewed the situation to the Dáil in June last when I indicated that

expenditure in the Post Office during the present year would be considerably reduced. So far as I can ascertain from approximate figures, the financial position is working out as I forecasted.

(d) The main classes employed by the Post Office are Sorting Clerks and Telegraphists and Postmen. Their scales of pay vary according to the class of office at which the staff is employed. The highest scale obtains in Dublin, and the weekly rates, including cost of living bonus for Dublin, are:—

Sorting Clerks and Telegraphists (Males), 33s. 4d., rising to 101s.

Sorting Clerks and Telegraphists (Females), 33s. 4d., rising to 71s. 9d.

Postmen, 37s., rising to 71s. 9d.

And the lowest rates obtaining at the smaller provincial towns are:—

Sorting Clerks and Telegraphists (Males), 29s. 8d., rising to 84s. 3d.

Sorting Clerks and Telegraphists (Females), 29s. 8d., rising to 62s. 11d.

Postmen, 33s. 4d., rising to 62s. 11d.

(e) Rural Postmen are employed in the delivery of letters and parcels, in the collection of letters and parcels, and on some incidental duties thereto.

(f) The limits of travelling for rural postmen are fixed, and are, for a walking postman 18 miles a day, and for a cycling postman 26 to 28 miles a day. The duties are revised occasionally to see that these limits are worked up to as closely as possible but not exceeded.

(g) There has been no change in the regulation limits since 1914.

### RESTRICTIONS ON USE OF CURRAGH ROADS.

**Mr. JOHN CONLON** asked the Minister for Defence if he is aware that serious inconvenience is being caused to residents of districts adjoining the Curragh of Kildare, by the fact that main roads leading through or across the Camp are only allowed to be used by persons holding passes from the Military; and whether, in view of the peaceful state of the surrounding country and of the friendly relations existing between the people and the troops, the rule restricting the use of

[Mr. John Conlon.]  
the roads in question to pass-holders might be suspended.

**MINISTER for DEFENCE (Gen. Mulcahy):** Vehicles and persons passing through the Camp by means of the public road do not now require passes. For the last three weeks all such are allowed to pass freely, the only inconvenience being that all such persons are escorted through by the military police, that is, as far as the public road. Only persons who wish to enter the Camp on business or to use Camp roads proper require passes. This procedure is deemed necessary for the present.

### **ARMY OFFICERS' PAY AND ALLOWANCES.**

**Mr. DARRELL FIGGIS** asked the Minister for Defence if the scale of pay and allowances for the Army given in his answer of the 23rd of March still prevails, and, if not, what changes have been made. Further, to ask what pay and allowances are being made for all officers of higher rank than that of Major-General, whether such officers are paid by grade or by office; and, if by office, if he will state what pay is attached to each such office, the holders of these offices, and by whom the scale of payment was made.

**General MULCAHY:** The rates of pay and allowances for officers and men given in my reply to a question asked by the Deputy on the 23rd March last are still in operation, with the addition that extra pay has been allowed to certain officers employed in the technical services and lodging, fuel and light allowance have been fixed for single officers. The rates given in the reply referred to for officers not yet formally commissioned are gradually lapsing as such officers become gazetted or are demobilised.

Revised rates of pay and allowances for N.C.O.'s and men are, however, now about to be applied in cases of all future enlistments and re-attestations. A very large number of men are at present being offered re-attestation on the new terms. These rates and the current rates of pay and allowances for gazetted officers are set out in De-

fence Order No. 16, of which I am sending the Deputy a copy. I may say that that Order was largely reproduced in the public Press on the 12th October.

The pay of officers of rank higher than that of Major-General is fixed in respect of the offices they hold. These officers and their salaries are:—

General Sean MacMahon, Chief of Staff, £1,300 per annum.

Lieut.-General G. O'Sullivan, Adjt.-General, £1,100 per annum.

Lieut.-General Sean O'Murthuile, Quartermaster-General, £1,100 per annum.

In addition they receive free quarters and messing in barracks. The salaries were sanctioned by the Minister for Finance on my recommendation.

### **REQUISITIONED MOTOR LORRIES.**

**Capt. W. A. REDMOND** asked the Minister for Defence when the owners of motor lorries are to be compensated for lorries requisitioned by the National Army, as a considerable number of owners have received no payment for the use of same or damage thereto.

**General MULCAHY:** A Committee appointed for the assessment of claims for compensation in respect of requisitioned motor vehicles is disposing of those claims as fast as possible, but many difficulties, due to the turmoil through which the country has passed and to the inflation of claims are being experienced in the establishment of facts.

Steps are now being taken to strengthen the personnel of the Committee and its staff, so that the very necessary investigations can be carried out on the spot, in the various districts. In that way it is confidently expected that practically all claims in respect of requisitioned vehicles will be disposed of by the end of the financial year.

**Captain REDMOND:** Might I ask the Minister whether I could have a list of the personnel?

**General MULCAHY:** Certainly; I will forward it to-day.

### **DISCHARGE OF ARMY OFFICERS.**

**Mr. DARRELL FIGGIS** asked the



Minister for Defence if any body has been created by him to lay down the lines to govern the discharge of officers from the Army; and if not, on whose recommendations these discharges are being made; and if such discharges are being made in such a manner as to retain only the most efficient and capable officers from a military point of view. Further, if he will state what provision, if any, is being made for officers who are being discharged.

**General MULCAHY:** The question of the demobilisation of officers surplus to requirements has been for some time under careful review by the Defence Council. This Council itself has laid down the lines governing the discharge of officers, and the case of each individual officer discharged is previously considered by the Council.

In making such discharges due regard is given to the necessity for retaining those officers capable of giving the most efficient and satisfactory service from the military point of view.

The number of officers to be dealt with under the Demobilisation Proposals is approximately 2,000. Apart from resignations they fall into three classes:—

- (1) Officers whose work has not been satisfactory.
- (2) Officers whose service dates from a date subsequent to July, 1921, and whose services, while satisfactory, have been such as not to show special merit or indicate special qualifications.
- (3) Officers whose service dates from a date prior to July, 1921, and who, while having given satisfaction, are surplus to requirements.

All officers' cases are considered on their history sheets and files. Officers of the No. 3 class have been grouped in order of efficiency, and demobilisations from this class are taken from the lower positions in such lists.

The financial provision made for demobilised officers is indicated in Defence Order No. 28 of the 15th of September, a copy of which is forwarded to the Deputy and which states that—

Such officers will be granted demobilisation pay as follows:—

- (a) For the first two months after

demobilisation, full pay of rank (without allowances).

- (b) For the second two months after demobilisation, half pay of rank (without allowances).

In addition, a grant of Five Pounds (£5) will be made to each officer on his demobilisation to assist him to provide himself with civilian clothing.

It is thought necessary specially to consider the cases of officers coming into the third class, and it is anticipated that it may be desirable, in the case of some, at any rate, of those officers to make an additional grant based on:—

- (1) The nature of the services rendered in pre-Truce days by such officer.
- (2) The period over which these services extended.
- (3) The extent, resulting in loss, of the consequent upset in his ordinary course of life, and
- (4) Services subsequently rendered by the officer in the National Forces.

A Committee, consisting of three of the Senior General Officers Commanding, has been set up to consider the case of each officer of this class, and to make a recommendation in each case to the Minister.

A re-settlement branch has been set up in the Ministry of Industry and Commerce, for the purpose of re-settling officers and men in civil life. In addition, certain facilities will be granted in the matter of competition for Civil Service Examinations, and, at present, practically all temporary Civil Service male positions are retained for demobilised officers and men.

**Mr. DARRELL FIGGIS:** Will the Minister give any indication as to the facilities that will be accorded to such demobilised officers in the next Civil Service Examination?

**General MULCAHY:** That question had better be addressed to the Minister for Finance.

## OUTSTANDING ARMY BILLS.

**PADRAIG O HOGAIN (An Clár)**

asked the Minister for Defence whether he is aware that many large bills are

[Pádraig O hOgáin.]

long outstanding by the Military to traders in Ennis, in respect of goods certified on delivery to be correct as to quality, price and quantity; whether deductions, varying from 2½ per cent. to 10 per cent., on payments made have his authority in respect of goods similarly certified, and if he will institute inquiries at once with a view to ensuring full and immediate settlement of these claims.

**General MULCAHY:** Bills certified correct as to quality, quantity and price have not been and are not being left unpaid in any district. Those received at Headquarters so certified are paid at once. The difficulty in dealing with old accounts is mainly one of certification, but so far as the Ennis district is concerned, most of the claims of this type have been paid off and there are now not many outstanding. If particular cases are brought to my notice, I shall see that attention is given to them at once.

In the case of goods not ordered under contract, it is usual to reduce the amounts claimed to a figure at which the same class of goods could have been bought in the district at the time they were supplied. The deductions vary in accordance with the amounts claimed, but the prices allowed are those at which goods of the same quality could have been purchased at the time in the district.

#### WRITTEN ANSWERS.

##### BOY'S DEATH IN KILLALOE MILITARY BARRACKS.

**PADRAIG O hOGAIN (An Clár)** asked the Minister for Defence whether he is aware that a boy named Pierce Lewis was killed in the Military Barracks at Killaloe, on Sunday, the 16th September, 1923; whether the result of the investigations held on September 25th and on October 5th have yet been received by him; whether it is proposed to compensate the parents of the boy, and, if so, has the amount of compensation been yet determined.

**General MULCAHY:** I am aware of the occurrence and have received the

findings of a court of inquiry. There is no legal liability attached to the military authorities to pay compensation. However, having regard to all the circumstances an *ex gratia* payment of £12 is being made to the parents of Pierce Lewis.

#### DETENTION OF MEATH PRISONERS.

**Mr. DAVID HALL** asked the Minister for Defence whether he is aware that John Clarke, James Caffrey and Patrick Matthews, Wilkinstown, Navan, Co. Meath, were arrested in Trim on the 25th February, 1923, and are at present detained in Dundalk; whether any charge has been preferred against them, and whether it is intended to have them brought to trial or released.

**General MULCAHY:** John Clarke, James Caffrey and Patrick Matthews were arrested by the military authorities on 25th February, 1923, on charge of being members of a party which carried out a raid on the business premises of Mr. Tiernan, Wilkinstown, Navan, on 24th December, 1922, and stole money and goods therefrom. The charge was investigated by military tribunal on 11th July, 1923. The prisoners were found guilty and have been sentenced to two years' imprisonment with hard labour. They have not yet, however, been removed to jail for convicted prisoners, but are detained in an ordinary place of internment.

#### OUTSTANDING ARMY CLAIMS.

**Mr. PATRICK J. EGAN** asked the Minister for Defence if he is aware that Mrs. Annie Flynn, Grogan, Ballycumber, Offaly, has claims outstanding since April, May and June, 1921, to the amounts of £10 17s 5d., £20 18s. 7d. and £8 9s. 6d., respectively, for goods supplied to the Military Authorities, which claims have been certified correct by the Commandant at the time and handed to the Claims Office, Customs Barracks, Athlone; furthermore, that these were forwarded to the Claims Department, M. Block, Portobello Barracks, about last March, and that Mrs. Flynn was informed by that Department, on the 17th April last, that same would be paid her in a fortnight, and,

as she has heard nothing about the matter since, whether he can give an undertaking that she will be paid in the near future.

**General MULCAHY:** The claims in question relate to a period prior to the Truce. The position at that time was that responsibility for discharging any liabilities incurred rested on local Volunteer authorities. Claims of the period cannot be paid out of funds voted by the Dáil for the maintenance of the Army. The general question as to what extent and from what funds any of those claims may be settled has yet to get consideration. Pending a decision Mrs. Flynn's claims cannot be given further consideration.

#### **AMENDMENT OF LAND ACT, 1923.**

**TOMAS MAC EOIN** asked the Minister for Agriculture whether his attention has been called to the statement made by the Minister for Finance respecting the financial position of the State, and whether, in view of his demand for a curtailment of public expenditure, it is proposed to introduce a Bill to amend the Land Act of 1923, in so far as it provides for the payment by the State to the landlords of 10 per cent. of the purchase price of land.

**Mr. HOGAN:** The Deputy is under a misapprehension as to the facts. There is no question of payment of vendors in cash. They are paid in bonds. The purchase money of an average tenancy was fixed at fifteen years' purchase of the rent. In the normal course the purchaser pays the purchase money, and under the terms of the Land Act would pay  $4\frac{1}{2}$  per cent. on any money lent to him by the State for this purpose. Under previous Land Acts the tenant's payment was either  $3\frac{1}{2}$  per cent. or  $3\frac{1}{4}$  per cent. on the purchase money. The increase in the rates of interest was due to the European War. In order to relieve the tenant from this increase in the rate of interest, I suggested, and the Dáil agreed, to pay the interest and sinking fund on one-eleventh of the purchase money. Provisions to effect this were inserted in the Land Act of 1923, and I do not propose to introduce a Bill to alter

these provisions. The total amount which the State will have to find for this purpose, when land purchase under the 1923 Act is completed, will be about £60,000 per annum.

#### **TELEPHONE FACILITIES AT KILCOCK, CO. KILDARE.**

**SEOIRSE DE BHULBH** asked the Postmaster-General if he will establish a telephone call office at Kilcock, Co. Kildare, as the traders and residents have long felt the want of such a service.

**Mr. WALSH:** I am having enquiry made as to whether the opening of a telephone call office at Kilcock would be warranted and will communicate the result to the Deputy.

#### **POSTAL FACILITIES IN DUN LAOGHAIRE & DALKEY.**

**Major BRYAN R. COOPER** asked the Postmaster-General whether the Saturday afternoon delivery of letters in Dun Laoghaire has been restored, and whether he is prepared to restore a similar delivery in Dalkey, Co. Dublin.

**Mr. WALSH:** In response to representations from the local Urban District Council, the Saturday evening delivery of letters was restored at Dun Laoghaire on the 29th September last. As regards Dalkey, the local Council consented some years ago to the discontinuance of the Saturday evening delivery in order that the postmen might have a part holiday. No application for the restoration of this delivery has been received from the local authorities, but if such an application were made, I would be prepared to grant the desired facilities, but this would, of course, involve the cessation of the postmen's part holiday.

#### **INSPECTORS OF TAXES.**

**Mr. JOHN J. COLE** asked the Minister for Finance if he will state what is the number of Inspectors of Taxes employed in Saorstát Éireann on 31st October, 1922 and 1923; whether he will also give the total of staffs employed in this Department on the two dates already stated, with the approximate cost involved.

**Mr. BLYTHE:** The figures representing the numbers and cost of the staffs of the Taxes Inspectorate on the dates mentioned are:—

	31st Oct., 1922.	31st Oct., 1923.
Inspectors and Assistant Inspectors ...	45	46
Including 10 officers on loan.		
Clerical Staff ...	278	297
Including 6 officers on loan.		
Approximate total cost of Inspectors and their staffs ...	£80,100	£81,750

The small increase in the cost of the Inspectorate staffs on 31st October, 1923, over the figure for 31st October, 1922, represents the cost of taking over that portion of the work of the Chief Inspector of Taxes, London, which covered taxes administration in the Free State area before 1st April, 1923.

#### **RAILWAY PROTECTION CORPS—DEPENDENTS' CLAIMS.**

**AILFRID O BROIN** asked the Minister for Defence whether he is aware that £1 10s. (One Pound Ten Shillings) is due to the dependents of the Class I. men of the late Railway Protection, Repair and Maintenance Corps, now serving in the Army Corps of Engineers, and whether he will cause same to be paid.

**General MULCAHY:** The Class I. men of the late Railway Protection, Repair and Maintenance Corps, now serving in the Army Corps of Engineers, were paid at a flat rate and were not entitled to Dependents' Allowance. An arrangement was, however, made whereby a man would allot the whole or any portion of his weekly pay to his dependents, the Paymaster undertaking to forward the money allotted in accordance with the man's instructions. The payments were arranged so that a man had always one week's money due to him. The re-attestation of the Army Corps of Engineers has now begun, and as each man is re-attested or demobilised his account will be cleared to date.

#### **RAILWAY PROTECTION CORPS—CLAIM FOR SUNDAY PAY.**

**AILFRID O BROIN** asked the Minis-

ter for Defence when the pay for Sunday work performed by Class I. men, non-railway workers, who were, and are still, paid on a six days basis and agreement, of the late Railway, Protection, Repair, and Maintenance Corps, and now in the Army Corps of Engineers, will be paid.

**General MULCAHY:** When Class I. men (i.e., railwaymen and other personnel coming under this heading) of the late Railway Protection, Repair, and Maintenance Corps were attested it was proposed to deduct 15s. per week from their pay to cover rations. Subsequently the question of Sunday pay and overtime was raised. It was decided after agreement with the men that instead of deducting 15s. per week in respect of rations this amount would be paid by way of set-off to the claim for Sunday pay and overtime. This arrangement still holds good in the cases of men who are still serving and who are being employed in the Corps of Engineers. On their re-attestation in that Corps which is now proceeding they will be paid on a scale based on daily rate for the seven days of the week.

#### **RAILWAY PROTECTION CORPS—QUESTION OF READJUSTMENT OF PAY.**

**AILFRID O BROIN** asked the Minister for Defence whether he is aware that men of the late Railway Protection, Repair and Maintenance Corps, transferred to the Army Corps of Engineers, as far back as July last, are still being paid on the former Corps rates of pay, and whether he will cause the pay, and proficiency pay, to be adjusted in accordance with the Scale laid down for the remainder of the Army, from date of transfer.

**General MULCAHY:** The men of the late Railway Protection Repair and Maintenance Corps were transferred to the Army Corps of Engineers on 1st September last. They are still paid at the old rate of pay, in accordance with the terms of their attestation. On re-attestation they will, however, be brought on the rates of pay proper to the Army Corps of Engineers.

### DOCTOR'S MOTOR CAR COM- MANDEERED.

**Captain W. A. REDMOND** asked the Minister for Defence if he is aware that a Ford motor car, the property of Cornelius Molan, M.D., District Medical Officer, Ballynoe and Conna Dispensary, Fermoy, was commandeered by the National Army on 20th October, 1922; that he has made several applications for it; that he was told to call to Mícheál Barracks, Cork, and bring a motor engineer to examine car and be prepared to take back same; that he called there and found no trace of his car, and that it has not yet been returned to him, nor has he been compensated for its loss, and what steps, if any, shall be taken in the matter.

**General MULCAHY:** Dr. Molan was requested, on the 14th August last, to visit Mícheál Barracks, Cork, for the purpose of taking delivery of a car believed to be his. On calling, however, he could not give any particulars which would identify the car, and consequently it was not given to him. On the 31st ultimo his solicitors were requested to furnish the required particulars, but they have not yet replied. The case cannot be properly dealt with until Dr. Molan supplies the particulars referred to.

### DEPENDENT'S ALLOWANCE.

**Captain W. A. REDMOND** asked the Minister for Defence whether he is aware that Private Timothy Martin (47076), Band, 10th Inf. Bn., Mícheál Barracks, Cork, joined the National Army at Cork on the 15th November, 1922; that he has made repeated enquiries for a dependence allowance for his mother, Mrs. Jane Martin, of 14 Mary Street, Cork; that he filled up forms, and when he went to Portobello Barracks, Dublin, was informed that an allowance of 14/- per week had been authorised to be paid to his mother on the 14th August, 1923; and that, up to the present, Mrs. Martin has not received any allowance; and if he will take immediate steps to secure the payment of this allowance.

**General MULCAHY:** Private Timothy Martin, who attested on the 15th

November, 1922, made application for dependent's allowance for his mother, Mrs. Jane Martin, 14 Mary Street, Cork. The claim was passed for payment at the rate of 14/- per week. The final instalment of arrears was paid on the 30th ultimo, clearing the account up to the date of Private Martin's discharge from the Army.

### PRISONS BOARD AND PAYMENT OF OVERTIME.

**AILFRID O BROIN** asked the Minister for Home Affairs whether the General Prisons Board is acting in accordance with Circular 7,398, dated the 3rd September, 1920 (Pars. 2 and 3), in refusing to pay for overtime in cash and substituting time off in lieu; if he is aware that overtime, as per pars. referred to, was paid for in cash by the British Government and also by the Free State Government up to March of this year, when it was stopped by order of the Prisons Board; (2) whether the Prisons Board is acting in accordance with the Board's Circular 8088, dated 13th November, 1919, in refusing to pay the sleeping-in allowance to married Principal Warders; if he is aware that this allowance was granted by the British Treasury, as one of the details of a scheme of assimilation with the English Prisons Service, sanctioned by the Treasury, and was paid up to the signing of the Treaty; (3) whether the Prisons Board is refusing to allow superior officers, separated from their families, a free railway warrant every two months; whether this concession was granted on the same ground as No. 2 above.

**MINISTER for HOME AFFAIRS (Mr. K. O'Higgins):** (1) The practice of the General Prisons Board in dealing with claims for overtime worked by Prison Warders has not been altered since the transfer of Government. When overtime is worked on escort or other special duty, payment is made in respect thereof unless time off in lieu is allowed. In former years it was more difficult to arrange for the grant of equivalent leave than it is at present, but such equivalent leave was always granted when possible. This practice will continue to be followed.

[Minister for Home Affairs.]

(2) The General Prisons Board have no authority to pay "sleeping-in" allowance to officers other than those of the warder class who were appointed prior to June, 1922, and no extension of this authority will be made. Where prison officers are required to reside in prisons, with free quarters, there is no reasonable ground for the payment of additional remuneration because of their residence in the prisons.

(3) The privilege of a free railway ticket every two months to enable married officers separated from their families to visit their homes has been granted to subordinate officers only. The General Prisons Board have no authority to extend this concession to superior officers, and I am not prepared to recommend to the Minister for Finance that any such extension should be authorised.

#### MULLINGAR COURTHOUSE.

**Mr. P. W. SHAW** asked the Minister for Home Affairs if he is aware that considerable public inconvenience is caused by the Courthouse, Mullingar, being utilized as a Gárda Síochána Barracks; that it is most uncomfortable and unsuitable for such purpose, and does not contain sufficient accommodation; whether, under the circumstances, he will have the Police Barracks, Mullingar, which was partially burned down, repaired, and which will provide suitable premises for the Headquarters of this body, and also give very much needed employment in the town.

**Mr. O'HIGGINS:** The occupation of the Courthouse at Mullingar by the Gárda Síochána is merely a temporary arrangement, and the accommodation therein is not satisfactory. The question of reconstructing the old Royal Irish Constabulary Barracks is receiving the consideration of the Commissioners of Public Works, and it is hoped that a decision in the matter may be arrived at shortly.

#### PRIVATE NOTICE QUESTION. HOUSES FOR IRISH EX-SERVICE MEN.

**Captain REDMOND:** I desire to ask the President a question of which I

have given him private notice: Whether certain sums of money have been provided by the Imperial Parliament for the erection of houses in Ireland; whether a Trust has been set up to consist of a nominee of the Free State Government, a nominee of the Imperial Government and a nominee of the Six County Government, to allocate and administer the same; whether the Free State and Six County Governments have made their respective nominations; whether the Imperial Government has yet done so, and, if not, whether, in view of the fact that schemes are already prepared in various parts of the country, and in view of the delay liable to be caused by the coming General Election in England, he will make immediate representations to the Imperial Government to nominate their Trust representative and thereby avoid any unnecessary delay in providing these houses for Irishmen and work for our unemployed.

**The PRESIDENT:** Under Section 3 of the Irish Free State (Consequential Provisions) Act, 1922, a sum not exceeding £1,500,000 has been allocated for the purpose of providing in Ireland cottages for the accommodation of ex-Service men. This Fund will be administered by a body to be known as the Irish Sailors' and Soldiers' Land Trust, which will consist of five members, of whom three are to be appointed by the British Government and one each by the Governments of the Free State and Northern Ireland.

Our representative has already been selected and representations have been made to the British Government to have the completion of the Trust expedited. It is understood that steps are at present being taken for the appointment of the remaining representatives, and it is expected that the personnel of the Trust will be completed very shortly.

**Captain REDMOND:** In view of the pending dissolution of the British Parliament, may I ask if the President would consider the advisability of making further representations now?

**The PRESIDENT:** I have no reason to anticipate that any delay will be caused by the forthcoming General

Election, and we have already made a sufficient number of representations to warrant all the attention that can be given to the subject.

### CIRCULATION OF ORDERS.

**Mr. DARRELL FIGGIS:** Before we proceed with the Orders of the day, might I draw the attention of the President to the promise he gave, and which the hurry of the times no doubt caused to slip from his memory, to have circulated to Deputies the orders of the British Government for the transfer of services to the Provisional Government. They were circulated to members of the British Parliament, and the President, on my invitation, promised to circulate them to Deputies in this Dáil. I repeat the question now because one or two matters in them may prove to be pertinent to the Ministers and Secretaries' Bill when we come to that.

**The PRESIDENT:** As far as I know, there is only the one Order, and I understood that had been circulated, but I will look into the matter and see that it is circulated.

### FISHERIES BILL, 1923—(FIRST STAGE).

**FIONÁN Ó LOINGSIGH** (Aire um Iasgach): Iarraim-se ead ón Dáil an Bhille Iasgaigh seo do thabhairt isteach.

Sé mo thuairim ná beidh aon dul i gceoinnibh na Bhille seo, mar sé an fáth gur thugas isteach é ná gur iarradh orm ó gach áird sa tír é do dheunamh.

I beg to move for leave to introduce "A Bill to amend the law relating to fisheries by prescribing new penalties for certain offences in relation to salmon, trout and other fisheries and for other purposes relating to the preservation of fisheries of Saorstát Éireann."

The purpose of the Bill is to increase the penalty imposed by the existing Fishery Acts for offences committed during the annual close season for salmon, trout and fresh water fish, and also for certain fishery offences, notably the use of explosives, committed at any period during the year. I feel that this will be more or less non-contentious, because I have brought it in at the request of many Deputies from among the different parties in the Dáil.

The Bill is urgent in the sense that the close season is now in, and I am anxious that its provisions should become effective as soon as possible.

Question: "That leave be granted for the introduction of the Fisheries Bill, 1923," put and agreed to.

Second Stage: Ordered for Wednesday, 21st November, 1923.

### LOCAL GOVERNMENT ELECTORS' REGISTRATION BILL, 1923—(FIRST STAGE).

**MINISTER for LOCAL GOVERNMENT (Mr. J. Burke):** I beg to move for leave to introduce "A Bill to amend the law relating to the preparation of the Register of Local Government Electors, and for other purposes relating to Registration of such Electors."

I believe this will be a non-contentious Bill, and that it is not necessary for me to say anything on it at this stage.

**Mr. JOHNSON:** Can the Minister tell us something about it or what it purports? We do not know whether it is non-contentious, because we have had no information about it of any kind.

**Mr. BURKE:** Before the passing of the Electoral Act, 1923, the principal enactment in force relating to all franchise was the Representation of the People Act, 1918. That Act both prescribed franchises and fixed the dates for compiling the electors' lists and registers. Both Parliamentary and Local Government franchises were determined by reference to residence or occupation of premises for a period of six months ending on the 15th day of July. All persons so qualified were to appear on a register which was to come into force on the 15th day of October. During the life of the Provisional Parliament, there was no opportunity for drafting a measure so intricate as the Electoral Act, and that Parliament, by resolution of the 12th September, 1922, directed the preparation of a register according to the law then enforced, but the principle of adult suffrage was applied to the Parliamentary franchise in accordance with the Constitution. The 15th October, 1922, was substituted for the 15th July (the date in the Act of 1918),

[Mr. Burke.]

and the other stages were to be fixed by order of the Minister for Local Government. The Local Government franchise, which is on the basis of occupation, was in no way effective. These resolutions were subsequently confirmed in the Electoral Act which formally enacted the Constitutional Dáil and Seanad franchises, and fixed the 15th November as the qualifying date for those franchises. Nothing in the Act of 1923 dealt with either Local Government franchise or Local Government registers, and all the provisions of the Representation of the People Act, 1918, were expressly left unrepealed. According to the letter of the law, a register should, therefore, have been prepared of all persons who were qualified to be Local Government electors on the 15th July last, but on that date the register prepared under the resolution of the Provisional Parliament, above referred to, had not yet been completed. Experience has shown here, and elsewhere, that a register cannot be prepared in the short prescribed period, 15th July-15th October. Six and a half months are allowed by the Electoral Act. Furthermore, the Parliamentary and Local Government electors have always been noted on the same register. The new register, which, under the Electoral Act, will be commenced at once, will show Dáil, Seanad and Local Government electors; a person who is qualified for each franchise will have three distinguishing letters opposite his name in the register, e.g., S.R.O.

S=Seanad Franchise.

R=Residence Qualification  
"Dáil."

O=Occupation (Local Government).

If the registers of Dáil, Seanad and Local Government electors are not prepared at the same time, and do not appear in the same document, there would be a heavy needless expenditure of money both in payment to officials for double work and travelling and in double printing. The present Bill, therefore, proposes to adapt the dates and machinery of the Electoral Act to the preparation of a Local Government register, but it does not in any way alter the existing provisions of the Re-

presentation of the People Act which prescribes Local Government franchise. The Bill does not deal with franchise in any way. It is merely a question of combining the Local Government register with the ordinary Parliamentary register, and is merely an economy measure.

Question—"That leave be granted for the introduction of the Local Government Electors Registration Bill, 1923"—put and agreed to.

Second Reading ordered for Wednesday, 21st November, 1922.

### **LOCAL ELECTIONS POSTPONE- MENT (AMENDMENT) BILL, 1923.—FIRST STAGE.**

**Mr. BURKE:** I beg to move for leave to introduce "A Bill to amend the Local Elections Postponement Act, 1922."

This Bill enacts as follows:—"The Local Elections Postponement Act, 1922, shall be and is hereby amended by the substitution of the words and figures '30th day of September' for the words and figures '1st day of January' where the last mentioned words and figures occur in Sub-section (1) of Section 1, and Sub-section (1) of Section 2 of the Act aforesaid. This Act may be referred to as 'the Local Elections Postponement (Amendment) Act, 1923,' and this Act and the Local Elections Postponement Act, 1922, may be cited together as the Local Elections Postponement Acts, 1922 and 1923."

This Bill will amend the original Elections Postponement Act of 1923 in the following way:—"In Sub-section (1) of Section 1, instead of reading thus: 'Every statutory election of councillors of boroughs, councillors of urban districts, and commissioners of towns which, but for this Act, would be held within twelve months after the passing of this Act, shall be postponed until such date not being later than the 1st day of January, 1924, as the Minister shall by Order prescribe,' it shall read as follows: 'Every statutory election of councillors of boroughs, councillors of urban districts, and commissioners of towns, which, but for this Act, would be held within 12 months after the passing of this Act, shall be



postponed until such date, not being later than the 30th day of September, 1924."

I do not think I can make it any clearer than that.

**Major BRYAN COOPER:** Can the Minister make it clearer as to the date when it is proposed to take these elections? They have been postponed repeatedly, and it does not make for efficiency of administration to have Councils working for any period under sentence of death. I do not want to tie the Government to an exact date, but if the Minister could give us an approximate time, and if he could say whether the month would be March or April I think it would be well.

**Mr. WILSON:** What is the exact reason for postponing the elections in this case? As there is not to be any alteration of the Register, why should they not be held immediately? The franchise to be used is the same, and why not go on now with the elections?

**The PRESIDENT:** The Minister for Local Government is only a short time in office, and it is rather difficult for him to make up his mind on a matter of great public importance which will affect the internal Government of this country for three or four years. The Minister ought to be allowed some opportunity of surveying the whole field of Local Government to see if any amendment of the law as it at present stands is advisable. If on an examination he finds that the present Register is not a correct Register steps will be taken to see that the next Register is an exact one, and that it will represent what it is intended to represent, namely, people qualified to vote, and consisting only of those qualified to vote. I do not think it is altogether fair to press the Minister for an exact answer to questions of this sort until he has had ample opportunity of examining the question in all its phases, remembering that the internal government of the country is only secondary in its importance to the ordinary administration we are discharging here, and when he has had an opportunity of surveying the whole field, I presume he will bring his proposal for any decision he may wish to take

before the whole Dáil, and he will take the Dáil into his confidence with a view to remedying, should it be considered necessary, the existing state of affairs.

**Mr. JOHNSON:** Will it be possible to get any promise as to when a definite answer may be given as to the date of the elections, and, further, will it be possible to say whether all the local elections are likely to take place at the same time? Councils are not likely to be efficient—and they are blamed for inefficiency—while the threat of dissolution is hanging over their heads.

**The PRESIDENT:** These Councils have outrun their lives for a period of from six to nine months. Now, it has been put to the Ministry for some years past that it is not desirable to hold elections in the winter, and I believe the Minister for Local Government has that in his mind, and I believe he will be in a position to acquaint the Dáil with the date of the elections when we resume in the New Year. I do not think it would be reasonable to expect an answer in a shorter time.

**Mr. DARRELL FIGGIS:** There is one question the Minister might reasonably answer and which was not suggested until the President himself had spoken. Do I understand his words correctly to mean that he proposes the local elections will not be held upon the present Register, but that a new Register will have to be completed before further local elections are held? That would mean a long postponement, and if there is to be a postponement quite so distant as that surely we ought to have it in a clearer form, than in the inferential form the President put it before us. Surely we ought to know whether the elections, if postponed, are to be held on the present Register, or if there is to be a new Register or a more complete Register, before the elections are held.

**Mr. CORISH:** Are we to infer from the President's statement that the ordinary elections that would be held in January next are to be postponed?

**The PRESIDENT:** Yes.

**Mr. BLYTHE:** There is one point

[Mr. Blythe.]

that I would like to make in connection with this. It is to the effect that it would be, to my mind, very detrimental to the interests of the country to have local elections until the rates situation has been pretty well cleared up. There were counties in which rates were very much outstanding when the last Order was issued postponing the local elections. If any attempt had been made to hold elections while those rates were outstanding it would be utterly impossible to get public bodies elected in those areas that would have done their duty in any sort of decent way. There are places in which County Councils have been replaced by Commissioners, because of failure to do their duty. Until the whole situation is made clear, and the rate collections brought up to date, to hold elections in those places would simply be inviting the return of Councils that would immediately have to be dissolved. In County Leitrim, for instance, there was, before the General Election, a rate collection going on, at the rate of £5,000 or £6,000 a week. When the General Election was announced the rate collection stopped; practically, or it fell to £40 or £50 a week. People stopped paying arrears until they saw they could not escape. When the election was over, these payments were resumed. Any notion that a local election was pending in such areas would stop the collection of rates. They would hope that there would be new Councils elected, which would enable them to escape for some time further. Whatever other considerations are involved, the clearing up of the rate situation is a necessary one before local elections can be held.

**Mr. CORISH:** Is the Government going to give any help to the local Councils to get in the rates?

**AN CEANN COMHAIRLE:** That is a different question altogether.

**Mr. CORISH:** I do not think it is. It has an important bearing on what we are discussing.

**Mr. CONNOR HOGAN:** When the Minister is surveying the field or area, can he give us any information as to what he proposes to do with the unrepresentative Councils the people are

so loudly crying out against? Is it proposed to leave them in office until the election?

**Mr. P. HOGAN (Minister for Agriculture):** Is this in order?

**AN CEANN COMHAIRLE:** Surely not.

**Mr. GOREY:** I would like to ask the Minister for Local Government would he consider the advisability of appointing Commissioners to replace Councils that have shown gross maladministration and gross extravagance in public affairs, as the rate demands show. It is a gross scandal in some parts of the country. I will name some of the counties to make it clear.

**Mr. BURKE:** I think we have appointed Commissioners in several counties already. This is not a question that should be answered at this stage at all.

Question: "That leave be given to introduce the Local Elections Postponement (Amendment) Bill, 1923," put and agreed to.

Second Stage ordered for Wednesday, the 21st instant.

### GAMING BILL, 1923.—FIRST STAGE.

**Mr. HOGAN (Minister for Agriculture):** I am asking the leave of the Dáil to introduce this Bill. I am doing so on behalf of Deputy O'Higgins. It raises a less serious issue than we have been discussing. The Bill is to repeal Section 2 of the Gaming Act, 1835. The effect of Section 2 of that Act was to enable any person who had paid money in consideration of a gaming transaction to, let us say, a bookmaker, to sue for a refund, or to enable a bookmaker to sue for a refund of any money which he had paid in respect of losses. That is the law in Ireland. It is not the law in any other country. As a matter of practice, both parties got over it by ignoring it, and as a rule no cases came into court. The matter became really serious when either party died, because an executor was compelled to sue. An executor has no discretion. You had cases where executors were suing in consideration of gaming transactions for money that had been paid four or

five years previously. I think you also had cases where executors of bookmakers were suing for losses which the bookmaker had paid by cheque or bill. These actions only arise where money is paid by bill, cheque, or mortgage. This is not the law in any other country. The present position is obviously impossible, if we are to allow betting transactions to take place. This Act is merely to amend the law in that respect. In case there should be any misunderstanding, I want to explain that this Bill which we are introducing, does not amend the Gaming Act, so as to enable a bookmaker to sue for a debt. The old law remains, and a man may still plead the Gaming Act.

Question—"That leave be given to introduce the Bill"—put and agreed to.

**Mr. GOREY:** I object, except the Minister will go the whole hog and legalise bookmaking.

**AN CEANN COMHAIRLE:** I am afraid the Deputy is late.

Second Stage ordered for Wednesday, 21st instant.

#### **PRIVATE BILL PROCEDURE.— REPORT OF JOINT COMMITTEE.**

**AN CEANN COMHAIRLE:** This report has been circulated to Deputies.

**PADRAIG O MAILLE:** A Chinn Comhairle, Isé mo thuairim go mb'fearr an tuarasgabháil seo a chur ar ath-ló—go dtí Dia hAoine—i dtreo go m'beidh faill ag na Teachtaí leas-rúin a thabhairt os comhair na Dála, ma tá gádh leo. Ba mhaith liom-sa leas-rún a chur isteach chun go m-beidh sé ceadach d'aoinne fógra a thabhairt 'san seisiún seo i mí na Nodlag agus i mí an Eanáir in ionad Deireadh Fómhair agus Samhain mar tá sé ins an tuarasgabháil fa lathair. B'feidir go mbeidh gádh le athrúighthe eile annso agus annsúd acht ba mhaith liom-sa an t-athrú sin a dheanamh ar a laighead.

I think it would be better if the introduction of this report were postponed until Friday next, so that Deputies would have an opportunity of bringing forward amendments. There is one necessary amendment which I would like to propose to the Standing Orders

relating to Private Bills—that is, that during the current Session the promoters of any Private Bill may publish the notices of intention required by Standing Orders during the months of December and January, instead of October and November, and that the dates for deposits of plans and documents, notice of the deposit of copies of the Bill, and objections against the Bill shall be correspondingly altered. It is necessary to make those changes in order that promoters of Bills may have an opportunity of having their Bills dealt with in the present Session. It may also be necessary to have the Orders amended, so that Private Bills can be initiated in the Dáil as well as in the Seanad. Therefore, I think it would be well if the introduction of this report were left over until Friday next. I propose that this be done.

**Mr. P. HUGHES:** I beg to second that.

**Mr. DARRELL FIGGIS:** There is only one matter of order which I desire to ask you about, a Chinn Comhairle. According to the papers that have been distributed to us, it would appear that a draft identical with this draft of the proposed standing Orders, is before the Seanad, and that certain amendments are to be moved in the Seanad. If the same draft is before the two Houses of the Oireachtas at the same time, and if different amendments are moved, it may lead to a little complexity later on. But what I was going to suggest was that some consultation should take place with a view to arranging that the draft should be initiated in one House and sent up to the other. Otherwise, we will have reached a stage when we perhaps will be submitting amendments to the Seanad at the very moment that we may be considering amendments which the Seanad have passed and sent on to us.

**Major COOPER:** Is it not the case that the Seanad are taking up these draft Standing Orders this afternoon? I gather that they expect to dispose of them this afternoon, and I suggest that if we adopt the Leas-Cheann Comhairle's suggestion and postpone consideration of this matter until Fri-

[Major Cooper.]

day, we would have the Seanad amendments before us and could accommodate our draft to them.

**Mr. DARRELL FIGGIS:** That is more or less what I was trying to achieve—that when we do consider this matter on Friday we will have the present draft before us, with the amendments and the full consideration of the Seanad.

**AN CEANN COMHAIRLE:** That might be a good method but it struck me that, possibly, we would 4 o'clock. send back the Report to the Joint Committee and ask them to reconsider certain orders, in the light of particular amendments desired by the Dáil. If the same procedure were adopted in the Seanad, then the Joint Committee would have before it amendments from both Houses and would be able to submit a joint report which would possibly bring us an agreed set of Standing Orders more readily than if we were to treat this report as a Bill and send it backwards and forward.

**Mr. DARRELL FIGGIS:** I agree.

Consideration of Report ordered for Friday, 16th November.

## MINISTERS AND SECRETARIES BILL, 1923.—SECOND STAGE POSTPONED.

**The PRESIDENT:** I understand that there was a general desire expressed on the last day, when the Governor-General's speech was under discussion, that an early opportunity should be afforded to the Dáil of dealing with the address, with particular reference to the statement made by the Minister for Finance. If the Dáil desires to take up the discussion of the Governor-General's address now, I would agree to postpone this Bill until to-morrow or, if it were so desired, even until Friday—though I would prefer that the Dáil would take it to-morrow. With your permission, A Chinn Chomhairle, I would ask for an expression of opinion from Deputies as to what their view is. There was a general desire evinced last day that an opportunity should be afforded of discussing the statement of the Minister for Finance.

**Mr. JOHNSON:** I rather gathered that there would be considerable discussion on this Bill, and, so far as I am concerned, I agree that it would be better to postpone it.

**AN CEANN COMHAIRLE:** Until to-morrow or Friday?

**Mr. JOHNSON:** Until Friday.

**Mr. GOREY:** We only got this Bill this morning, and we have not had time to consider it. I think to-morrow would be too soon to take it up. We do not like to have Bills flung at us like this. To-morrow or next day would be too soon for discussion of this Bill. A Bill of this importance ought to get some consideration from Deputies, and they should have some opportunity of making up their minds about it. They would not have that opportunity if the Bill were taken to-morrow or next day, or this week at all. I would ask the President to postpone the consideration of this Bill until some day next week.

**The PRESIDENT:** In that connection, I should point out that the discussion of the Bill would only be on the Second Reading, and would be a general discussion. The real business takes place on the Committee Stage. I would be agreeable to have this Bill taken up on Friday. As the Deputy knows, we have not got many Bills close up to Committee Stage, and it is with a view to providing work for the Dáil that I would like to have this Bill taken this week, if at all possible. The Bills which we introduced to-day will not occupy very much time, and I would like to be able to get a Third Reading of this Bill towards the end of next week. That would be possible if you took up consideration of it on Friday.

**Mr. GOREY:** In that case, we will be agreeable to Friday.

Order for Second Reading on 14th November discharged, and Second Reading ordered for Friday, the 16th November.

## CIVIL SERVICE REGULATION (No. 2) BILL, 1923.—SECOND STAGE.

**MINISTER for FINANCE (Mr. Blythe):** This is a Bill to make perma-

nent provision for the method to be adopted in making appointments to the Civil Service. It provides that, generally speaking, admission shall be by open, competitive examination. That is the system which will on the whole give us the best service. Alternative methods might be put up and it might be possible to have panels for selection which would give us as good a Civil Service and leave us a choice as well. But that would be subject to suspicion at all times, and it would be very difficult to ensure that at no time was there ground for suspicion. Consequently, the Bill is brought in in the form in which it stands. In certain cases, power is taken to have the examination confined to special classes. That is desirable. For instance, at the present time it is desirable, in view of Army demobilisation, that certain appointments should be confined to men with Army service. We are able, with the machinery that this Bill provides, to have competitive examinations for the various candidates in a class which are eligible, and to get the best possible material from the class to which, for public reasons, we desire to confine the appointments. In certain other cases examination may be dispensed with—that is, in cases where there are professional or other peculiar qualifications. It is quite obvious that, while for the junior posts and the ordinary run of posts, competitive examination is good enough, there are positions for which you could not rely on getting the best or nearly the best candidate by any method of examination. There is a class of post which requires a man of experience, administrative ability, certain force of character, and knowledge of the world, and you might easily have the best candidate for that class of position surpassed in examination by a bookworm or quite a young student, who would be altogether unfit for the post.

It is provided that in cases like that, and in other special cases, it will be possible to admit persons to the Civil Service otherwise than by examination if a certificate is issued by the Civil Service Commission, and they can refuse it when any special name is proposed to them. That certificate must be gazetted, so that Clause 6 does not

provide what might be described as a "back door entrance" to the Civil Service. Nobody can be admitted secretly or privately to the Civil Service by the operation of this clause. It simply gives an alternative to the examination system in certain cases where examinations would not be satisfactory. It cannot be used, and will not be used, for ordinary appointments to the Civil Service. We have heard a lot of talk of the Commission which was appointed under the Act, which this Bill is intended to replace, not having held examinations. The present time is not the time to rush into the holding of examinations and to recruit large numbers of people to the permanent Civil Service. We have really to finish our stocktaking and to see what services we are going to retain and whether we require any additional permanent Civil Servants.

We have considerable numbers of temporary Civil Servants, and if services are to be dispensed with these Civil Servants can be dispensed with. If we add unduly to the number of permanent Civil Servants we would be tying up our own hands. It is not possible, as many people would desire us, to rush in and hold examinations, right, left and centre. Certain examinations have been held. For instance, there have been examinations for Customs and Excise, and they were confined to men with Army service. Fifty posts were offered there, and there were four posts offered in the National Health Insurance Department. The staff of the Revenue Department is, of course, a staff that has grown greatly, and it was found necessary and justifiable to make certain permanent appointments in the Revenue Service. An open examination to qualify men for appointments as County Surveyors has been held by the Civil Service Commissioners. There have been examinations in the Civic Guard for men to act as Inspectors of Weights and Measures. Examinations are being held for women Writing Assistants who will largely do certain work thrown on the Land Commission by the passing of the Land Act. Some of the appointments to these positions will be reserved for women who hold temporary posts in the Government Service, and

[Mr. Blythe.]  
other posts will be open to girls of school age.

There will be examinations also for technical appointments in certain departments of the Ministry of Industry and Commerce. Examinations are also pending, limited to boy messengers in the Post Office, in connection with a number of permanent posts as postmen. For the future, appointments of Shorthand Clerks and Typists will be made, in Dublin, from a list compiled as a result of competitive examination. As far as possible we will keep to the competitive examination system for all appointments. It will be more satisfactory in every respect. We will know where we are, and the examinations will give an equal opportunity to everybody. In the past Typists and Shorthand-Typists have been recruited in a rather casual way, and although the appointments are only from week to week, we feel that the best thing to do is to draw up a list as the result of competitive examinations and take from that list in order of merit.

The Bill has no new features. It was before the Dáil, and I do not think it was much discussed when it was last brought forward. It continues the system with which we are familiar. It has worked well with the British, and has given them an efficient and very capable Civil Service. It has done the work of administration exceedingly well, on the whole. I believe with us the system will also work well, and as time goes on we will be able to get a good Civil Service at as cheap a rate as will be consistent with requirements. The system will give a chance to all who may aspire to enter the Civil Service, and it will give fair play all round.

**Major BRYAN COOPER:** I am in entire agreement with practically every word the Minister for Finance said as to the desirability of competitive examination. It is not the most perfect test, but, broadly speaking, it is a test that works best over a wide field. I agree with him also that you must settle those things some time ahead, otherwise the candidates and the people training for the examination will not know where they are. There are one

or two details, however, to which he did not refer, and which seem to me desirable to comment upon, even on the Second Reading of the Bill. There is no provision whatever for a pension for the Civil Service Commissioners. You pension the Judges and the Civil Servants, but the people who are to be the judges and to select your Civil Servants are not to have any pension at all. I am not anxious to encourage pensions, but it does seem an anomaly. You are conferring responsible functions on officials who receive no pension whatever. Secondly, there is the provision that these Commissioners are to be paid out of moneys to be provided by the Oireachtas. That means that year after year they will come on the estimates, and their salaries will have to be voted here. Everyone of us who has a constituent who has failed to pass an examination will be liable to raise complaints. One aggrieved person may say: "Why did so and so get more marks than my Tommy?" All these matters may be brought before the Dáil. That, I think, is not a wise provision. These Commissioners, who are virtually judges, should be paid from the Central Fund and not from the Estimates every year.

The third provision is a more remarkable one, and it differs entirely from the British method. It is that the Commissioners shall hold office during the pleasure of the Executive Council, and may be removed from their posts at any time the Executive Council may think fit. I believe in England and in Canada they have permanent tenure, and it seems to me most undesirable that men in this position, a position of grave and serious responsibility, should feel they are liable to be removed from their posts and sent away, without any pension, at the pleasure of the Executive Council. I do not mistrust the Executive Council, but I think it means that with every change of Government there will be a tendency to change the Commissioners. These are important and well-paid posts, and it is not unlikely that there will be supporters of the Government then in power looking for these posts. I do not think the Commissioners should be changed at the pleasure of the Executive Council. I

do not say that any Government would do it, but it makes it possible for any Government to introduce the American spoils system. If the Commissioners are to be changed with each Government, the American spoils system will be introduced. I do not think anybody will contend that that system has worked well in the United States. I do not propose to oppose this Bill on the Second Reading, but at a later stage I will submit amendments.

**Sir JAMES CRAIG:** I have no intention either of opposing the Second Reading of this Bill, but I am surprised and disappointed that the Ministry have not taken the opportunity, in introducing the Bill, of extending competitive examinations to a much greater extent than is suggested here. As my friend on the left here has said, competitive examination may not always be the very best test of a man's capacity for the work, but, on the whole, it is the best we have got. The Government have had brought before their notice from time to time recommendations of certain important bodies with regard to the extension of competitive examination to the medical service. It is with regard to these recommendations that I wish, for the moment, to address myself. During the sitting of the Convention in 1917, the Convention, by a very large majority, which included practically all the representatives of the South and West, made a very strong recommendation for the extension of the competitive examination to all classes, and particularly included the medical service. In 1920 the Public Health Council, appointed to draft a Public Health Bill, also made a strong recommendation which was unanimous, and it reads: "The establishment of an Irish Medical Service appointed by competitive examination and paid by the Ministry, from which will be provided the medical and veterinary officers of health, the medical and surgical staffs of the various public hospitals, sanatoria, asylums, etc., as well as the medical officers engaged in the treatment of insured and poor persons."

When the resolution came before the delegates of the Medical Profession, representing the entire profession in

the country, it was unanimously adopted by these delegates. Furthermore, a referendum had been taken in 1910 of the Medical Profession in Ireland, and 90 per cent. of a very extensive poll of the profession were in favour of the Medical Service being open to competitive examination. As late as a few months ago the General Council of the County Councils in Ireland made a similar recommendation, namely, that all these State appointments should be gained only by competitive examinations. There is not any question that competitive examinations would do away with one or two things. On the question of corruption in the past, we heard from time to time that it was possible for a man with a cheque book in his pocket to go around the country, and distribute cheques varying from £10 to £20 to secure a vote. Competitive examinations would do away with that class of thing. But far more desirable is it, that we would be able to keep at home in Ireland the very best of our young medical men. If the appointments are open to competitive examinations, and if the men are decently paid, we shall keep here the best of our men instead of having them go over to the other side where they will be better remunerated. I take it for granted that what the Ministry have set before themselves is the word "Efficiency" as the text for all their preachings. I do not think they can get satisfactory efficiency in any other way than by means of competitive examinations. As far as the medical service is concerned, one reason why I am speaking to-day is that we were promised a Public Health Bill. This I hope will be coming before us in the course of the next few months. Under the Public Health Bill there will be certain provisions made for new appointments. I would rather see the Bill torn to shreds if it merely means putting into jobs men who are inefficient; if it does not mean that we are going to get the very best men we can to work in the interests of Public Health, I would rather see the Bill scrapped. Furthermore, in connection with this, I presume that it might be possible on the introduction of a Bill to make provision for the establishment of an examination. As Major

[Sir James Craig.]

Bryan Cooper has said, it is well to look a little beforehand, and I should have thought that if the Ministry intends to have a competitive examination in the future, they would have looked a little bit ahead and given these Commissioners, that they are now appointing, power to arrange for, and conduct examinations on lines that can be easily set forth in consultation with the bodies which are interested. I finish by saying that I hope before the Bill comes before us in Committee the Government will have taken these matters into consideration and perhaps do something to please the Medical Profession, and the other bodies who have suggested competitive examinations.

**Mr. JOHNSON:** There are just two points that I want to raise. One is regarding the remarks of Major Bryan Cooper, which seemed to me to be directed to a Bill which might have contained provisions for making the Civil Service Commissioners a body, which I for one rather suggest they should be made, to make appointments. So far as I can read the Bill, it is rather a body to set and conduct examinations. In that case I am afraid I am not able to follow him regarding the necessity for pensioning these Commissioners, and paying them out of the Central Fund, as contrasted with the proposal in the Bill. The other point is a matter which the Minister could reassure the Dáil upon, or give us some information upon. That is whether it is the intention to place under the test of competitive examinations the recent appointments to the Civil Service.

It seems to me that it is, perhaps, desirable that some qualifications, which would be found out by examination, should be put forward, and made applicable to those who have entered the Civil Service during the past two or three years. Perhaps the Minister will give us some information on that point.

**Mr. BLYTHE:** With reference to what Sir James Craig said, the Bill gives power to the Civil Service Commissioners, when requested, to hold examinations for any position under

any authority or authorities. It will be a matter for the Local Government Department, in its Bill dealing with Public Health, to make arrangements that the appointments shall be made as the result of competitive examination, if it so desires. This Bill simply sets up the machinery for the holding of those examinations, if it is desired to avail of it. I do not think it will be desirable, in this Bill, to deal with the local administration. It will be out of place to go any further until we come to the Committee Stage. With reference to the permanence of the Civil Service Commissioners, they are no more permanent in Great Britain than it is proposed to have them here. I do not think it is desirable they should be put into the position of Judges. They do carry out a very important function, but I think it is entirely wrong to assume that we are going to have corrupt Governments in the future. If we are going to have corrupt government no safeguard you will put in the Bill will save you from that. You must believe that the Government will carry out the law in the spirit and in the letter. This law does away with the question of the patronage of Ministers, and you must assume that the Ministers who will be appointed by the Sovereign Assembly of the Irish Nation in the future, will not attempt to get behind any decision come to; that they will not strive to do things they are forbidden to do and not expected to do. There is really no use in talking about paper safeguards. There used to be a lot of talk about paper safeguards in the past, but when there were no paper safeguards it was found that we were just as well off without them. The idea of setting up a Civil Service Commission in a very high position and making them Commissioners, equivalent to Judges of the High Court, and all that sort of thing, arises from a desire for paper safeguards which would be no good. Now, in regard to salary and pension, if a Civil Service Commissioner is paid a salary, I agree that he should be paid a pension, and I think the Bill enables a pension to be paid. In fact, the present Civil Service Commissioners are not paid any salary. Two of them are Civil Ser-



vants and the other is An Ceann Comhairle. The matter of pensions is not pressing and it arises in no special way. With regard to recent appointments, nobody can come into the permanent Civil Service except by way of open competitive examination, or Clause 6. In regard to recent appointments, if they were professional appointments they will come before the Civil Service Commissioners in the usual way. If they are appointments that do not come under Sub-Section (a), Clause 6, then there might be some that would come under Sub-Section (b), but the Civil Service Commissioners will have to be satisfied that it is in the public interest that they should be appointed without examination. There have been no appointments to the permanent Civil Service in recent years. Anybody who has been taken on is only temporary. He can only become permanent in one or two ways. So there is nothing to fear in that respect. In normal times it would be probably quite sufficient to have two or three of the higher Civil Servants acting as a Commission, but as times are not normal, and as we have not all got used to carrying on the business of Government as a normal matter, we asked An Ceann Comhairle if he would kindly act on this Commission, so that we would have some person who was independent and outside the influence of the Government on it.

There can, as I say, be no admission to the Civil Service otherwise than by competitive examination, unless the Civil Service Commissioners are prepared, after consideration, to grant their certificate and to have that certificate published in the "Gazette."

Question—"That the Bill be now read a second time"—put and agreed to.

Order for Committee Stage, Thursday, 22nd November.

### **GOVERNOR-GENERAL'S ADDRESS (MOTION FOR RESOLUTION OF THANKS).**

Debate resumed on the resolution: "That the Dáil returns thanks to the Governor-General for his Address, and

approves of the Legislative programme of the Government, as outlined therein." (Mr. James Burke.)

**Mr. DARRELL FIGGIS:** Perhaps I may be allowed at the outset of my speech to quote, for the sake of simplicity, certain words which I used in this Dáil last April when speaking on the Budget as the basis of certain comments I desired to make upon the important financial statement made by the Minister for Finance. Speaking on the Estimates when they were before us at that time, I said: "I think that when the Estimates are reduced to Budget form, the Minister for Finance might, with advantage, remember the difference between expenditure strictly stated as non-recurrent, and expenditure that is recurrent, and classify the entire expenditure of the nation under these two separate categories strictly recognisable in finance, viz., recurrent and non-recurrent expenditure. That expenditure which is recurrent and which is due to each year, and is more or less in the nature of establishment charges should be liquidated completely within the financial year in which it occurs." I went on later to suggest that the two chief matters that might be treated as non-recurrent were expenditure in connection with the Army and in connection with compensation. I mention that now because the Minister for Finance, at that time the President of the Executive Council, was a little derisive at that classification. Nevertheless, that is the classification that has been adopted by the present Minister for Finance, and is the basis of the statement he made. He adopts different words, but the principle is the same, and I naturally think that the principle is a sound one. He states in his speech that careful consideration has been given for some time past to the relation that at present exists between revenue available from taxation on the present scale at one end, and on the other hand the expenditure that is being incurred on the normal operations of the Government. That is excluding compensation charges and that part of the Army charges which are now regarded as abnormal. I think it might have been to his advantage and to the advantage of the clarity of the

[Mr. Darrell Figgis.] national accounts if the principle had been still further extended, because buildings have been purchased and buildings have been set in order and buildings have been re-built and re-constructed into permanent dwellings which have been taken over, and surely if it is right to regard any expenditure as being in the nature of foundation charges it is expenditure of that kind where you can levy the renewal charges and the dilapidation charges. I suggest that if the principle which the Minister has already accepted be rightfully extended he will find a considerable asset come to him when he comes in the future to amplify the matters he has dealt with in his present speech in laying the estimates of expenditure before us at the termination of the current financial year. At the present moment I desire to do no more than just mention that such is the principle that has been accepted, and upon the basis of that principle it is stated that so much of the expenditure that this Nation must incur will be charged to taxation. Certain other matters which the Minister describes as abnormal expenditure, but which I believe could be more accurately described as non-recurrent expenditure, will be taken over and funded in a National Loan. I propose quite briefly to touch upon the first of these two before coming to the other.

The Minister, I think wisely, at this stage avoided any attempt to go into details of the figures with which he was dealing, in order to show exactly how he arrived at his deficit. But he did say that at the end of the financial year he expected a deficit of £1,000,000, that is to say, that the normal expenditure, after abstracting the abnormal expenditure for allocation to date, would leave a balance of £1,000,000 that he was not able to meet out of current taxation. To that he adds a further two million pounds for debt services in the next financial year. Now, that figure of two millions I would like to touch upon briefly, because the Minister has, in effect, said to us exactly what the amount of the Loan is going to be, because unless he is going to take a much higher rate of interest than the circumstances would

warrant, a debt service of two millions a year means a national loan of £40,000,000. The Minister for Agriculture, being an expert mathematician, agrees entirely.

**Mr. HOGAN (Minister for Agriculture).** After the Deputy has laboured the point at great length, I have got it successfully.

**Mr. DARRELL FIGGIS:** Well, that will practically be in effect the National Debt that will be incurred. I would like the Minister, if he can, at a later stage in this debate, to deal with one matter of some importance not touched upon in the course of his speech. I refer to Article 5 of the Treaty.

Now, there may be certain liabilities that other people are expecting in the course of Article 5 which it is the confident belief in this country will not be forthcoming; but while Article 5 remains open, while there is no decision taken on that Article, then a certain element of doubt has been introduced which it is wise and desirable that we should get rid of at the earliest possible moment. Outside the provisions of that Article, outside whatever may happen under that Article, it would appear then that when we have got that loan floated, it will constitute practically the entire National Debt. The Minister addressed the greater part of his remarks to the three million deficit which has got to be met, and he stated that that deficit cannot be met out of taxation or by any increase of taxation, leading to the conclusion that since it has to be cut off, it can only be cut off by a very vigorous process of retrenchment. The Minister indicated that this country would have to take a share all round in that retrenchment, a share in which everybody must bear their burden from the highest to the lowest. I think it will be agreed that that is perfectly sound, and that whatever retrenchment is required, it is a retrenchment that every person will have to take a part in, and that it is a retrenchment that should be participated in by everybody from the highest to the lowest. But I do not say, although the Minister seemed to indicate that he has got his preferences, that this is a

share that should be participated in not from the highest to the lowest, but from the lowest to the highest, which is quite a different matter altogether. He has indicated only two sources in respect of which savings are to be effected, one pensions and the other the teachers. A 10 per cent. cut is to be applied in each case. In the case of pensions, the cut will mean a reduction of £320,000, and in the case of the teachers the reduction will amount to £330,000, giving a total of £650,000.

My attitude towards these cuts is this: These cuts may be necessary, but they have not yet been proved to be necessary, and they will not have been proved to be necessary until every other source has been examined, and every other source has not yet been examined. The proposals may be necessary, but at the present moment they would appear as being put in the vanguard of retrenchment, and they would appear to be extremely unjust. I think it will be admitted that, unjust or just, they are at least politically very unwise. In regard to the pensions, I ask why it is decided to levy a cut of 10 per cent. all round. The Minister knows, and everybody in this country knows, that if the pensions were kept at their present level and were to be administered better than they are, that very considerable savings could be effected in respect of the persons receiving pensions who are, nevertheless, not entitled to receive pensions.

I know that economies are being effected in that direction, and I venture to say that probably one entire half—and I throw this forward as a suggestion—that one entire half of all that he hopes to save by taking a shilling off the old-age pensioners could be achieved, and will this year be achieved, by a careful examination of all those persons who ought to be in receipt of such pensions. In regard to the teachers, I desire to say one or two words, because I think that this proposal of the Minister has raised a very far-reaching principle. I am not going to touch at all upon an aspect of the case that a deal has been made or that a contract or agreement has been made, and that this proposal is going back upon pledged word. There are those in this Dáil who are in touch with the ac-

tual facts who will argue that case, and I leave that aspect of it to them. But there is one aspect that ought to be touched upon and it seems to me to be of outstanding importance. It is that the teachers in a country are probably the most important persons in that country, seeing that it is they will be instructing the future generation who will have the continuance of the State for which legislation is proceeding in this Dáil.

I remember a long time ago hearing a man in the city of London make a comment to a friend. I was only a young man at the time and overheard it. The phrases he used clung in my memory since, and they were these:—That in the conduct of his industry, in the interests of efficiency and capability, he discovered certain positions that were regarded by him as being pivotal positions, and any salary he attached to these positions were attached definitely to the worth of the position, irrespective of the person who was to fill it, and then he proceeded to get the best person for that salary and wherever else he cut, these positions were kept up by him because they were regarded by him as being pivotal positions in his enterprise. I suggest that the teacher occupies one of these pivotal positions in the enterprise of the State, and should be so regarded. I have said that whatever the future is to be it is the teacher who will decide that matter. I know that in this Dáil it has been urged in the past by the Farmers' Party that retrenchment might be effected in the teaching profession, but I would urge upon them, and the Minister, that the very future of farming is concerned in this matter; that it is the efficiency of the future farmer that is concerned in the efficiency of the school of to-day, and it is the efficiency and the worth of the future State that is being decided to-day by the teachers. For these reasons I think it very deplorable, not that this saving should be effected, which might be ultimately proved to be necessary, but I do urge that it is unwise that this should be the very first that should be attacked instead of being among the last to be touched.

There are other sources. There is the Army at the present moment. The

[Mr. Darrell Figgis.]

Minister used certain words in regard to the Army that were heard with peculiar attention in this House and should be underscored. He said that the day of destruction has gone. Now, it is perfectly clear to everybody that the day of destruction has gone. And yet, consider the Army that is being maintained at the present moment. Consider the savings that might be effected in the Army. I elicited from the Minister for Defence to-day the salaries that were being paid to the Army Council. The Chief-of-Staff was getting £1,300 a year, the Adjutant-General £1,100 a year, the Quartermaster-General £1,100, plus free quarters and messing in barracks. He might further have added plus orderlies and free motor cars. We would all consider that a very princely income indeed, even on parity of exchange it is a salary equal to what is being received, at this moment, by Marshal Foch. Considering the difference in the exchange, it is about three times as much as Marshal Foch is getting. I consider, whatever the military worth of these gentlemen is, it is not three times the value of that great soldier. I have heard the suggestion that the Quartermaster-General is worth the salary, because he is three times the size, but these are not matters that enter into estimates.

There are other matters. There are three military gentlemen as aides-de-camp to the Governor-General. I understand that the salary of one of the three is £1,100 a year; the salary of another is £900. These are very considerable salaries. Considerable economies could be effected in one of the most wasteful of the Army establishments; that is at Gormanstown, which is costing this country £150,000 per annum. I suggest to the Minister that here is a very fruitful subject of enquiry, if savings are to be effected, and I urge upon him that it would be a very popular thing to do, and a very instructive thing to do to order a public audit of the Army accounts, an audit that should be published by him. I consider that, at least, such a course should be adopted by him long before the Old Age Pensions should be touched. What is the cost to-day of the Canadian Army? In the monies current in the

Free State the Canadian Army costs 1½ millions. The Minister states he will be able to reduce the Army from ten and a half to something in the vicinity of four million pounds. If an army were to be run in Ireland on the militia system, same as it is run in Canada, an army could be maintained of equal efficiency, though without the same extended personnel, on a sum that need not, at any moment, exceed two million pounds a year. I am not making any guess at that figure. I have worked it out in some considerable detail, together with persons who are quite competent to assess the figures. Consider what that, in its turn, would imply. If we had in Ireland an army established on the militia system we would be able to save two millions a year. In other words, we would, out of that one economy alone, be able to pay the entire debt service that the Minister spoke of, as being necessary to estimate for in the coming financial year. There is also the Civil Service, concerning entrance to which we have just passed the Second Reading of a Bill. The Minister has already indicated that something is going to be done in that matter. But it is notorious that appointments have been made during the past two years to the Civil Service that were not justified by the attainments of the persons appointed, and certainly were not justified in respect of the salaries those persons are receiving. The salaries were on a much higher scale than the salaries that prevailed up to that time. It is true that a large number of the persons who have been appointed would not be able to retain their positions to-day if they were called upon to pass an examination. I think a considerable economy might be effected in that regard if the Minister were to make the coming examinations for the Civil Service retrospective, so that persons who have been appointed within the past two years shall be called upon to pass such an examination, and if they fail to qualify their positions shall automatically fall vacant. It would be rather surprising to discover exactly the economy that might be affected out of that one single measure.

There are other matters pending, not immediately before the Dáil. There

are matters of which we have already received notice. There is the Ministers and Secretaries Bill. We will deal with that when we come to it. I will only make this comment upon it now, seeing that it is in the possession of the House, that £8,400 a year is going to be spent under it on Parliamentary Secretaries. The Dáil will be able to work out a very interesting arithmetical calculation to discover how many old age pensioners will be called upon to do without their shilling a week in order to contribute towards these new offices that are about to be created.

When all economies have been effected we come then to a matter which we can, at least, regard as a matter of common agreement; that is, a loan is necessary that will be the common concern of every citizen in the Free State. The Minister, in his speech, stated that it is important to have it understood that the public finance of the country does not need to be conducted and will not, under the present Government, be conducted in a manner that can render us subservient to any external interests. This is a very admirable principle to set out as a headline. Unfortunately, it is not altogether true. It is true that the raising of this loan will make us subservient to external interests, because the loan will be raised in terms of British currency. It is perfectly true that Irish citizens are to be asked to contribute, and no definite overture will be made to British citizens as such. Much less, I gather, will overtures be made to the British Government as such. But the Irish citizens who contribute will be contributing in currency notes of the British Government, currency notes that will be dependent upon British financial policies, currency notes that will have to be purchased by Irishmen across the Customs frontier of their own creation—a necessary frontier, a frontier that follows upon the provisions of the Treaty, but a frontier, nevertheless, that will make those loans more expensive here than they would be made for ordinary British citizens in Great Britain. I raise that matter now, because I do think that the Minister ought to take very early into his consideration the very important matter of currency.

Directly we touch the question of a loan, we touch a matter closely dependent upon the currency upon which any State relies. We already have the conditions under which that currency can be created. I urge that it should be created. I was speaking of the other day to a business man of some weight in another country and put before him the figures of exports and imports in respect of the Free State, by which it appears that we are exporting every year one-third in value more than we are importing. When any country can show a position like that, it is a country of which the credit

5 o'clock. is very high indeed—a credit equal to that which any

other country can show. In any case that is the position to-day. A loan somewhat of the order of forty millions pounds is to be issued. It may not all come at once, but if that debt service is to be as assessed by the Minister, such naturally must be the order of the debt.

Here we come to a question involving a grave public duty for every citizen of the Free State. It is incumbent upon this country that that loan should be made a resounding success. I do not deceive myself that any words of mine would reach even people outside calling themselves Republicans, who have said that they would not recognise any such loan, if created, and that they would afterwards repudiate it. Words like those can be disregarded. They are having a certain measure of weight with certain persons, but they can be disregarded, because no matter what the Government of this country may be, that Government could not continue for five minutes if there were not to be a recognition of the National liability incurred in the name of the people. It is a liability in which every individual is concerned. Business men in Ireland to-day would find that their own personal credits in other countries would be affected injuriously if the National credit were to be impaired by any failure to raise what this country needs in the way of money for the continuance of the normal processes of its business. I urge the Minister to recognise that this is a matter that cannot be treated and will not be

[Mr. Darrell Figgis.] treated by anybody in a merely party spirit. I urge him to put the people of this country in possession of the full facts at the earliest possible moment, to organise a drive and to put every Deputy in his district to the task of assisting in the collection of the loan that is required by the Free State. Let the Government itself give the headline in the recognition of the principle that this is a matter—whatever differences we may have on other questions—that is not a Party question, that it is a matter in which every citizen is concerned and in which every citizen is called upon to give his assistance. In that way we may be able to prove that in this ship of State every person will have his or her duty. I believe that if the matter be regarded in that way, and a proper publicity campaign instituted in which every person who can help will be called upon to help, there will be no difficulty in raising within this country what this country wants for the administration of its services and for putting this State into a condition of solvency.

**Mr. JOHNSON:** I do not know whether it is the desire of the Dáil to enter upon discussion of the amendment of which I have given notice. Assuming that it is in order, I think I am right in saying, on behalf of Deputy O'Connell, that he is prepared to postpone amendment No. 1 in favour of amendment No. 2.

**AN CEANN COMHAIRLE:** If Deputy O'Connell waives priority in respect of amendment No. 1, we can take amendment No. 2 now. That is inclusive of amendment No. 3. It contains the two matters—Education and Old Age Pensions. I would suggest to Deputies that when the amendment is moved, the discussion would permit of the raising of any matters dealing with economy and retrenchment and with the statement made by the Minister for Finance generally. When that amendment has been disposed of, amendment No. 1, dealing with the Fishing Industry, can be taken up and disposed of. Then, the main question would be again before the Dáil, and Deputies who desire to raise other matters, not

relevant to the question of economy and retrenchment, would be in order in doing so. I think that arrangement would suit all those who desire to speak.

**General MULCAHY:** In case there is an amendment coming on just now, perhaps I would be in order in dealing with one or two small matters arising out of the last Deputy's speech.

**AN CEANN COMHAIRLE:** Perhaps the Minister for Defence would be better advised to wait, as other similar questions may be raised. I would allow his reply to these questions on the discussion on the amendment, if he is willing to wait until then.

**Mr. HOGAN (Minister for Agriculture):** It is clear, then, that the general question can be debated after these two amendments have been disposed of.

**AN CEANN COMHAIRLE:** Yes. But it cannot be debated by way of repetition. When the amendment has been disposed of, we cannot have a speech delivered on the main question that is really relevant to amendment 1, 2 or 3. With regard to amendment 3, we could deal with it in several ways. What I would suggest would be that when amendment 2 has been discussed, if there is any desire expressed, we could, at the end of the discussion, put the amendment in two parts. Perhaps that would meet Deputy Byrne's desire.

**Captain REDMOND:** Do I understand from your ruling that you do not seem disposed to permit Deputies to indulge in a general discussion of the Governor-General's speech upon these two amendments, but you suggest that the general debate may be afterwards resumed. If that is so, I would suggest—speaking, as I do, only for myself—that it would be better for us to proceed with the general discussion first and take these amendments subsequently. If Deputies speak on these two amendments, they will be limited to the matters you have referred to, namely, the question of economy and also the questions raised in the amendment.

These matters undoubtedly come up in regard to the whole outline, form

and proposals contained in the Governor-General's speech, and if Deputies are not to be allowed to refer to them again, when they desire to take part in a general discussion, I think, for the benefit of the Dáil generally, it would be better to proceed with the general discussion now, and have a limited discussion later on the amendments according to their terms.

**AN CEANN COMHAIRLE:** I have not made any ruling; I merely made a suggestion.

**Mr. HOGAN:** I suggest that if we branch off now to the motion on the Governor-General's speech, we will be getting into matters relating to Agriculture, Industry and Commerce and Local Government, matters absolutely foreign to the subject we have been discussing. From that point of view it would, perhaps, be better to deal with the amendments specifically, and afterwards deal with the general question. My only point is that we will be taking up something absolutely new and entirely foreign—or at least foreign to a great extent. We will be discussing Industry, Local Government and other matters if we adopt Deputy Redmond's suggestion.

**Mr. GOREY:** I do not think it wise that the discussion on the Address should be continued in general terms. The financial statement made by the Minister has introduced new matters. The principal part of the two amendments deals with the financial statement. It would be better to dispose of the amendments first, and I suggest we do so. Let us not be mixing up matters. The question raised on the financial statement is altogether foreign to the Address, and it should be dealt with separately. I quite agree that anybody speaking to the financial statement and the amendments ought not be allowed to introduce those matters afterwards.

**Captain REDMOND:** I would like to say that that is exactly my point. When we proceed to discuss these amendments, we will not be discussing the Governor-General's Address, because neither of these matters were men-

tioned in the Address. My point is, that we are not now discussing the Governor-General's Address, but the Address as amended by the financial statement, and as amended also by another statement which I intended to refer to. I think the method adopted of dealing with the Governor-General's Address in this fashion of dribs and drabs is bad for the Government and bad for the Dáil. The Address should be disposed of in an allotted time. These matters were not brought up on the Address. That is my complaint in regard to the Address. They were overlooked and now we are going to discuss, as Deputy Gorey has said, two questions which were not mentioned in the Address, and then we are going to go back to the Address again. I bow to the will of the Dáil, but I think it would be more logical and reasonable to dispose of the Address first and then proceed to deal with the amendments.

**AN CEANN COMHAIRLE:** I have not given any ruling on this matter. I have merely made a suggestion as to the most convenient way for Deputies to discuss the matters which they themselves are very anxious to discuss. Deputy Gorey has told us that the statement made by the Minister for Finance had nothing to do with the Address.

**Mr. GOREY:** It is a distinct matter.

**AN CEANN COMHAIRLE:** I dissent from that view because the words actually quoted in amendment No. 2 from the Address are "The decision of the Ministers to avoid waste and extract the utmost value from all public expenditure." Upon that it is surely relevant for a Minister to state how he proposes to avoid waste and effect economy. Proceeding further, it is surely relevant for Deputies to state that they do not agree with the Minister's method of avoiding waste and effecting economy. The method we have been following is that the address is a statement of Government policy. The Government, having made its statement through the Governor-General, seeks the approbation of the Dáil for their policy as outlined in the Address by means of a motion such as is on the paper. The Minister for

[An Ceann Comhairle.]

Finance took the opportunity of making an important financial statement, and Deputies desire to propose an amendment and get a vote on a specific matter indicated in it. That has very distinct relevance to the Governor-General's Address and to the question of whether the Dáil does or does not approve of the Government's programme as outlined therein. It seems to me that if we continue the general discussion on the Motion of Thanks it would be impossible to avoid the matters mentioned in Deputy Johnson's amendment. Deputy Figgis mentioned matters quite relevant to this particular amendment. Seeing the position we are in, my suggestion is that we should discuss the amendment, and considerable liberty should be allowed in the discussion of the amendment in dealing with matters of finance. Having disposed of that, we could then take the other question of Fisheries. I make the suggestion after a consultation with some Deputies and with knowledge of what certain Deputies will want to discuss. There is one Deputy, not present at the moment, who will appear sometime in the discussion and will want to speak about Railways. That is a certainty. He will not be in order in regard to the amendment, but he is entitled to discuss the matter somewhere. Similarly, Deputy Gorey and others who sit with him will desire to make some statement on Government policy which will give food for thought to the Minister for Agriculture. These may not be quite relevant to Deputy Johnson's amendment, but I wish to make an arrangement which would allow these matters to be brought up. It is entirely for the Dáil as to what is decided, but if we discussed the question of finance on this amendment and then went on to the general question and took up other matters, I think it would be convenient, and the Chair would deal with the matter in a very lenient way from the point of view of irrelevancy with a view to not interfering with the rights of Deputies to discuss the important matters arising out of the Government's statement of policy. While offering that leniency, we could not possibly have a speech made on

the amendment and repeated in substance on the main question. That would be completely wrong. Before Deputy Johnson moves, I would like to have the view of the Dáil. I would like it made clear so that the question may not arise later on. I think Deputy Redmond's statement will be quite in order when we come to the general question. May I take it that is agreed to?

The Dáil agreed.

**AN CEANN COMHAIRLE:** With regard to the difference between Deputy Johnson's statement and Deputy Byrne's amendment, I would like some agreement on that matter.

**Mr. JOHNSON:** I would suggest that the two amendments might be discussed together, but may be voted upon separately if there are votes taken. If amendment No. 2 is defeated, a vote might be taken on amendment No. 3 without any extra discussion.

**AN CEANN COMHAIRLE:** There are some objections to that, but I would agree to the proposal if the two things are discussed together, that in the event of No. 2 being defeated, No. 3 will be proposed and put without discussion. Does Deputy Byrne accept that?

**Mr. A. BYRNE:** I am quite agreeable.

**AN CEANN COMHAIRLE:** Amendment No. 1 is postponed. We will now deal with No. 2.

**Mr. JOHNSON:** Paragraph 23 in the Address of the Governor-General to the members of the two Houses reads in the latter part "Your Ministers feel bound to urge not only on every Department of State but on every citizen the compelling necessity of husbanding our resources, and of avoiding waste and extracting the utmost value from every public and private expenditure."

**AN LEAS-CHEANN COMHAIRLE** took the chair at this stage.

**Mr. JOHNSON:** Now I subscribe to that, and I ask the Dáil to subscribe to that wholeheartedly. I think it is a very good definition of the term



"economy" that we should extract the utmost value from every public and private expenditure. My amendment seeks to put into this warning the proviso "That while approving of that decision, the Dáil cannot agree to methods of retrenchment which would be detrimental to education, or which would cause suffering to the aged poor." I submit that any attempt at retrenchment on the lines indicated by the Minister in regard to education and in regard to old age pensions would not be economy, but would be added waste—additional waste to the waste in administration, of which mention had been made. The Dáil listened to the statement of the Minister for Finance with a good deal of interest. With respect to some parts of it, as far as some Deputies of the Dáil are concerned, they listened to it with great astonishment and surprise. The majority of the Dáil no doubt were well aware of what was coming. But those Deputies who are dependent for particulars of policy from the Government upon statements of policy which are made to this assembly, which ought to be the first to hear them, were, I think, taken with surprise by some of the statements made by the Minister. I was personally inclined to whisper "Fools rush in where angels fear to tread," but I know the Minister is not a fool, and I had to think of some other explanation of the extraordinary announcement made in the manner in which it was made. I rather suggested to myself that there was some lingo tempting him to take advantage of his newness to the office, tempting him to do harm to the State under the plea of financial policy and the plea of national economy. The Minister has got a reputation, I think well deserved, of being intellectually honest, of being very candid, even if I may say so, without disrespect, brutally candid, in his statements to the Dáil. Again, without disrespect, I would suggest that his statement was not candid, not wholly candid, as I will try to show, but brutal in respect to his reference, both to the teachers and to the old age pensioners. The suggestion of the Minister regarding old age pensioners, which I will deal with first, took the Dáil by surprise. The arguments that were

adduced in favour of his proposal rather show me that he had not the time or had not taken the trouble to examine his case with that intellectual honesty which I credit him with, or he would not have stated the case in the manner he did. He told us that when this pension was first introduced in 1908 the rate in the most usual case was 5/-. It was not intended at any time that the pension should provide the recipient with an independent and complete means of livelihood. I do not know whether he intended to infer that 10/- a week was a sufficient sum to provide the recipient with an independent and complete means of livelihood. That is the inference which nine out of ten people would take from the statement. He pointed out that the 10/- was fixed when the cost of living had risen to 120 per cent., and it was now 80 per cent. Therefore, as he suggested a reduction was valid and justifiable. That proposition is not valid and is not justified. And if he had examined the case, as normally he would have done, he would not have made that statement. The 10/- rate was adopted when the cost of living had risen to 120 per cent. above pre-war. It remained at 10/- when the cost of living figure was 176 per cent. above pre-war. I quote that from the Minister's statement. If the cost of living figures are to be the index which is to denote the rate for old age pensions, then there ought to have been a rise considerably above the 10/- when the big figure was arrived at. But that is not so. The Minister will not admit that there is something due to the old age pensioners in consequence of the failure to add to the rate of pension when the cost of living rose above 120 per cent. I want the Dáil to realise that 5/-, which is the basic figure for the majority of pensions was fixed not in 1914 but in 1908. It remained at 5/- up to a time considerably after the war began, and considerably after prices began to rise.

Prices rose nine points between 1908 and 1914, and if the Minister wants to argue for his shilling per week reduction on a basis of cost-of-living prices, and he examines the position honestly and candidly, he will see that on that basis there is nothing due to be deducted. All these prices, according

[Mr. Johnson.]

to the figures quoted by him, as compared with 1908, will show an advance from 100 to 195. Now if he likes to take one-fortieth of a £ off the 10/-, and justifies it on the basis of the decline in the cost of living, these figures will entitle him to do that, but that is all they will entitle him to do. I submit if there is going to be any argument for a reduction of 1/- per week from old age pensions on the basis of the decline in prices you must take the prices at the time the pensions were fixed, and compare all these prices with present prices. But I want to ask the Dáil to believe and recognise this consideration that this index figure referred to is a figure based upon family expenditure. Everyone who knows anything about children knows that the family will consume a very much larger proportion of those articles which have not risen as greatly as other articles which are consumed by old age pensioners. The old age pensioner does not eat so much bread as the youngster—the growing boy or girl—and in the family expenditure there are three or four children taken into account in arriving at this index figure. So that you are trying to mulct the old age pensioner on a basis of declining prices when you take into account these things which are not normally consumed by men and women over 70 years of age. The largest proportion expended is on tea, sugar, and tobacco, all of which are taxed to a very much greater extent than the normal commodities consumed by the average family, and the Old Age Pensioners by virtue of their consumption of these taxable articles have paid back very much of the increase through the extraordinary increase in taxation upon these articles, such as I have named. So that on the basis of these figures you have no case to put before the Old Age Pensioners of the country in favour of a reduction in the amount of the pensions. Now the Minister relies to a greater extent perhaps upon another argument. He speaks of the resources of the country not affording those pensions at the present rate, and he quotes the cost to the Revenue of pensions in the Free State as compared with the cost of pensions in Scotland. He shows

to-day that the cost of pensions in the Free State amounts to 13.2 per cent. of the Revenue, while in Scotland it is only 2 per cent. of the Revenue. I suppose that fact was known to the members of the Dáil and to the Ministry before they sought to be severed from the British Financial System. We have all a right to assume they took that into account because if they failed to take that into account they are asking the Old Age Pensioners to bear the burden of their failure. Are you asking them to be responsible, and to bear a loss consequent upon the history of the last 100 years. Because Ireland has an extraordinary and abnormal number of men and women over 70 years of age, we are being asked to make these people responsible and to bear that burden. I say that is not worthy of the Dáil, if the Dáil agrees to that proposition. We had our eyes open when we were seeking to be severed from the British Government system, and we know this was one of the charges that would be imposed upon the country.

I have never heard, nor read, of any Ministerial statement, or of any statement by any member of the Dáil, which told the people they were going to cut Old Age Pensions as soon as they got control of the finances of the country. The Minister for Home Affairs, the Minister for Agriculture and members of the Dáil in all parts have emphasised the position of agriculture, and the position of the small farmers and we know that there is a very large proportion of these in receipt of Old Age Pensions, that is, that there is a very large class of small farmers in receipt of these pensions.

In the main, I believe they are entitled to have pensions. I believe, having done their work for the State as they have done, they are entitled to be considered in their old age, but I think I have heard it said in this House, as I have heard it said elsewhere, that agriculture in Ireland has been notoriously a sweated industry, sweated by the community and, I put it to the farmers' representatives here, this is one way of paying back some of the debt due by the community to the small farming community. I do not think we should agree for a minute

to make old men and women the first portion of the community to be called upon to bear the charges which we now think the State cannot afford.

The cut in the teachers' salaries, and the proposed additional cut in their salaries is, I submit, distinctly and inevitably a means of hurting the educational system in this country, which we had hoped, and indeed felt confident, was going to be immensely improved under the new condition of affairs. I say we hoped it was going to be immensely improved under the new condition of affairs, and, perhaps, members of the Ministry interested will recognise the value of a full page advertisement, which appeared in the newspapers on August the 20th, addressed to the people of Ireland and signed Liam T. MacCoscraig. August the 20th is not very long since, and the memories of Deputies can easily go back so far as that date. The programme of the Government party, signed by the President of the Executive Council, contained this clause:—"Education has long cried out for reconstruction, and we seized the earliest opportunity of making the first and most urgent reform. We have changed this whole character and outlook by placing the National language and all that concerns the Nation's life in their rightful place, and the next generation will enjoy the fruits of our policy in a citizenry reared in the atmosphere of love and respect of their Motherland, her language, her history, her tradition, her lore. But the reform of public education cannot rest here. It must be truly modern and progressive, and made a real and a living thing by close relation to the life and the social, agricultural, and industrial conditions and life of the country. It must have no artificial barrier of class or grade, and it must attract to its service teachers enabled to be efficient and enthusiastic by adequate remuneration. The record of what we have already done shows that we have set our course in the direction of National efficiency and progress in education, and we will introduce early legislation to give effect to a well-considered scheme."

Now, I ask Deputies on the other side of the House is there a single one of  
Vol. 5.

them who, three months ago, believed that that proposition was going to be followed by an immediate cut of 10 per cent. in teachers' salaries, with the prospect of an indefinite cut to follow.

I challenge any member of the Dáil to say that he told his constituents there was going to be a cut in teachers' salaries. That proposition, which appeared in the programme of the Government Party, signed by the President of the Executive Council, suggested that you were going to enlist the enthusiastic support of the teachers; that you were going to give them adequate remuneration, and that you were going to utilise their enthusiastic support in building up "a citizenry reared in the atmosphere of love and respect of their Motherland, her language, her history, her tradition, and her lore." The Minister for Education, having subscribed to that proposition, consents to this action of the Minister for Finance in cutting the teachers' salaries, and destroying their enthusiasm, in making them discontented and quite unfit to do the work which was in that programme set out by the President of the Executive Council.

Now, Deputy O'Connell has already touched upon the financial proposal, and I have no doubt other Deputies will have more to say on that. I am not going to enlarge upon the actual financial facts, or the justification, or non-justification, of any action which the Minister has outlined, but I say that the evil genius who first prompted the Minister to take this action seems to have shown an utter disregard of the Government's policy as stated on frequent occasions in regard to the relations between the servants of the State, employees in industry, and their governors or their employers. A very respected Deputy who was elected to the Dáil, but unfortunately who does not appear here to enable us to add to our admiration of him—Deputy Alfred O'Rahilly—used these words when speaking to the Teachers' Congress at Easter time:—"Just as after the French Revolution the pseudo-democratic educators sought to abolish all corporate life and combination, so, in a small way, after our little revolution, there is a distinct tendency to abolish all Councils and Boards and consulta-  
n1.

[Mr. Johnson.]

tive bodies in Education, Agricultural and other Departments. One of the first fruits of liberty is apparently to be Ministerial bureaucracy." Perhaps he might have added Treasury autocracy. I think I can see signs of assent from certain Ministers to the suggestion of Treasury autocracy.

Some little time ago there was raised in the Dáil the question of the action of Treasury officials in ordering that wages should be reduced in certain Departments, without notice and without consideration, cutting them below the ruling rates in the district, and thereby over-riding all questions of fair wages clauses or the usual conditions of employment. Here, again, we find at work the same influence, presumably, which says that the Education Minister may whistle; the salaries of teachers must be cut on the first of November, and no questions asked. There is a clause in our Constitution which deals with Vocational Councils, and I think the Minister for Finance has indicated a certain assent to that general idea. This method of simply decreeing that certain public servants shall have their salaries reduced on a certain date, without consultation with anybody, is very far removed, indeed, from the idea of Vocational Councils—is very far removed, indeed, from modern practice in regard to employment, whether in State offices or in private offices. But mind, it is only these two indefensible elements that are being attacked, notwithstanding all the Minister vaguely hinted at about retrenchments in other Departments. He did not say in any single case there were going to be reductions. There was a statement that there had been reductions in respect to the Army, but there had not been any reduction in the rates of Army pay to existing soldiers. The only reductions are in new attestations. The Minister for Defence was not told by the Minister for Finance that, on and after a certain date, every soldier would have to be cut 10 per cent. in his pay. He dare not. The Minister for Home Affairs, through one of his Departments, has given assurances that there will be no reduction in the pay of the Civic Guard without consultation. But they can strike back, and I

suppose that is the reason. The Old Age Pensioners have no redress. The teachers can only refuse to teach the children. What does the Treasury care about that? The late Minister for Education in England very recently said "The Treasury notoriously know nothing about education, except that it costs money." That, apparently, is the position of the Ministry of Finance in the new Saorstát. I submit that it is bad politics; it is bad economy; it is waste of political knowledge, to attempt to introduce new scales of pay in this autocratic manner without notice, without consultation, without intimation to the Dáil even, that such reductions were going to take place, apart from any question about violation of agreements. I leave that for discussion in another manner. Even assuming there was perfect justification, apart from agreements altogether, the method of doing this thing is a bad one, impolitic, and ought not to be sanctioned by the Dáil.

The Minister said that the Old Age Pensioners may attribute a high degree of responsibility for this reduction in the amount of tea or tobacco or sugar they would have been able to enjoy, to those who have wasted and impoverished the country during the past two years. It is very easy to blame everything upon the events of the last two years. It is very easy to say that the Irregulars and the Irregular campaign were responsible, but I think that is another exhibition of lack of candour, at least a failure to examine with that honesty which I say is his general characteristic, this proposition. The proposition to reduce Old Age Pensions and to reduce teachers' salaries, is to meet normal—or, as Deputy Figgis calls it—recurrent expenditure. It is not touching the abnormal cost of the Army. It is not touching compensation, and while the Minister may retort that the ability to pay has been reduced, I am going to ask Ministers if there is in existence, and if they will produce to the Dáil, any financial estimates which were before them when they were discussing the Treaty in London? You had the cost of administration before you. We have the estimates based upon the expenditure of the past

few years, and know what the cost of the administration of this country is, and has been. We had no right—any of us—to anticipate that there was going to be any big reduction in the national charges for quite a long time.

The Treaty was made with certain financial obligations. It was accepted by the Dáil and the country and confirmed in the Constitution. That Treaty

contemplated the possibility of even larger expenditure than is contained in the estimate that has been placed before us. We knew that within the bounds of that Treaty every Civil Servant might have resigned and claimed a pension, and that we would be bound to meet those pensions. We knew that within that Treaty—it has been mentioned here this afternoon—we undertook to bear a share of the British National Debt. I suggest that there are very few members of the Dáil, if any, who have examined the proposition but expected that we would have to pay interest charges upon a portion of the British National Debt. In these estimates that are placed before us there is no charge for that share of the National Debt, and we have no right, therefore, to think that, even if the history of the last two years had not been gone through, the annual charges would have been any less. Certainly we had no right to count upon that. We had a right to assume that every item that we were making ourselves possibly liable for, we would have been called upon to pay. I do not believe any member of the Dáil, or any candidate, elected or not elected, ever put to the people that there were going to be cuts in the cost of education and cuts in the charge for Old Age Pensions. Do not let us hide our responsibilities for present and future taxation behind the Irregular movement. We went into this Treaty with our eyes open. We knew it was going to be an expensive matter for a few years. Let us bear it, and not try to cut the humanitarian services and those services for education, which are the best investment that the country's money can be put into.

It seems to me that running through the Minister's statement and through much of the discussion that we are

being treated to in the newspapers, such expenditure is being accepted as the same thing as National income. Of course it is not. It might well be that the National income was high and State expenditure low. We ought, if we want to look at this problem seriously and earnestly, distinguish between National monies paid out for education, National monies paid out for these humanitarian social services, such as Old Age Pensions, hospitals, and Poor Law, and the ordinary National expenditure on administration of the army, police, and the like. Supposing the charge for Old Age Pensions was taken off the National Exchequer and thrown upon the rates, the country would still have to bear it. The totality of expenditure would be just as high, and perhaps higher. If the Dáil refused to pay any more money for education, it would not necessarily mean that education was going to be any cheaper, or that the country would have any less money to raise. It would be simply paying through a different channel, but it would have to be paid or the country would go to ruin. It seems to me that the Minister is proceeding in quite a wrong direction. Economy in expenditure by all means, full value for all expenditure, private or public, by all means. But do not take steps which will reduce the value you are getting for the money you are paying. I would say, without any doubt whatever, that to create discontent and unsettlement amongst the teaching profession is going to reduce considerably the value you are getting for the money you are paying. That is not economy, and that is not retrenchment in any true sense. I think, instead of moving towards mere cutting of prices, mere cutting of wages, and mere cutting of salaries, the policy of the Minister should be, rather, to stimulate production and encourage that better return for labour expended. I would be with the Minister heartily if he would say, "We are paying four millions for education. That four millions is being raised out of the taxpayer's pocket. We want to see that a larger proportion of that four million is expended upon articles produced in this country, thereby employing other people through the expenditure of the

[Mr. Johnson.]

salary that the State is paying." You will need to raise more money. I have not the slightest hope that the Minister will be able to carry out his policy of reducing taxation. I have not the slightest hope that it will be possible to carry on on the present rate of taxation. You may have to change the incidence of taxation, but you will have to raise the present amount, and perhaps more. I suggest that the true line of policy should be, not to cut on those services and reduce their value, but to look round for other means of raising money to pay for this necessary and useful public service.

The Minister says he cannot consider increased taxation. I hope he will be able to carry on the Government of the country in the manner which was outlined in the programme of the Government Party at the elections, without increased taxation. I believe it is impossible, and I believe, before the winter is through, that he will find a very heavy demand upon the public Exchequer, if he wants to save trouble from the rising numbers of unemployed. In the spring-time we warned the Ministers that the new system of paying Insurance might be all right, provided that employment were to become general before October. The Minister, through the Assistant Minister for Industry and Commerce, told us that the plans outlined in that Unemployment Insurance Amendment Bill contemplated and hoped for a general revival of industry before the end of October. That has not taken place. The number of unemployed is increasing, and their ability to sustain themselves while unemployed is steadily decreasing. The prospect is not hopeful for the promise of the Minister that he will carry on without increased taxation. He may find, as he will find, that he will have to put taxes upon imported manufactured goods.

He will have to find revenue by some means and probably he will find it by that means. It would be of some interest to the country and to many anxious employers of labour to know what the Government's policy in that respect is, or if they have any policy yet. Perhaps, before I sit down I may ask the Minister if he would, before

the debate closes, enlarge a little more upon his references to expenditure on roads and expenditure on houses. He is not prepared, he says, to involve the State in any additional charge for an expenditure on roads, but he hopes that perhaps there will be a million and a quarter spent during the next eighteen months on improvement and repairs. That one and a quarter millions partly is to come out of motor vehicle duties apparently, plus the special rate which the County Councils are required to pay to the Exchequer under recent legislation. I would like some enlightenment on that because the best figures I can find do not show me any sum beyond £800,000, at the maximum, for that 18 months, and it would be a pity to deceive the country into thinking that there will be an expenditure of one and a half millions on roads.

**Mr. BLYTHE:** One and a quarter million.

**Mr. JOHNSON:** Yes, one and a quarter millions on roads, and there is not much sign of it as far as the figures that have been presented in different quarters up to now, would show. Further, I would like a little more enlightenment on what is meant by the Minister when he says it is an essential feature of these schemes that they cannot be initiated until definite recognition is given to that fact that the Government and the financial and economic interests of the country cannot consent to allow them to be conducted in a manner that would keep prices or wages above the nominal level at which they stand at the present time. That to me rather suggests that, while promising that there will be expenditure, he is taking good care to show that there will be none. I may be wrong in my interpretation, but it seems to me to suggest that there must first of all be a campaign of wage-cutting before there will be any expenditure on public works. By allowing a loud clamour of unemployed men to be heard, and keeping them clamouring, you will be able to cut down the level of wages, and then all things will be beautiful. I hope the Minister is not building upon that. I am afraid if he is it will be calami-

tous. I do not want to say anything in that matter that would make things more difficult. But, if there is any intention to use the unemployed as a lever to bring down the general rates of wages and to allow that to happen by virtue of that clamour and that contest and competition for jobs, well, that way madness lies.

I have asked the Dáil in this amendment to declare that it will not agree to any curtailment in expenditure which will be detrimental to the interests of education or will cause suffering to the aged poor. I hope the Dáil will tell the country by its vote on this question that it is not prepared to put burdens which we all foresaw upon these two elements in the community, and make them bear the first charge. I am one of those, and I have said it here before, who believes there will be need of a very general simplification of life in this country so far as the better-off sections are concerned. If we try to emulate in expenditure Great Britain, or even the habits of the past, when we were identified with and bound up with the British economic and financial system, we shall perish. I believe it will be good for the country to reduce expenditure on luxuries. I am with Deputy Egan on that. But when I see forms of luxury, when I see lavish expenditure on motor cars, and other forms of luxury, I wonder whether the Minister is looking in the right direction for his economy, for his retrenchment and for his additional finance. I think not. I think certainly he has been tempted down the wrong road when he was tempted to have a slap at the old age pensioners and the school teachers.

**Mr. T. MURPHY:** I second the amendment.

**Mr. P. HOGAN (Minister for Agriculture):** I have read this amendment, and I think I will vote for it.

**Mr. JOHNSON:** Hear, hear; I knew you would.

**Mr. HOGAN:** I hope the Dáil will give full and complete support to the Minister for Finance in the two cuts he proposes to make, amongst the many other cuts which he will find it neces-

sary to make, if we are to run this country successfully, namely, to balance the Budget. I will try to meet, as far as I can, the numberless points which Deputy Johnson made, but I hope I will not emulate his heroic language. I will attempt to meet his points. First of all, he complains about the methods. He objects to the methods adopted by the Minister for Finance in this regard. He talks about autoocracy. He asks us do we hear of Vocational Councils now. He complains that there is a tendency to abolish all Consultative Bodies. I do not know what that has got to do with this case. The Minister for Finance comes forward here with two proposals. They are only the first steps. He tells the Dáil that he proposes to make these cuts. There is a full and free and frank opportunity for criticism. No member of the Dáil will be gagged. No member of the Dáil will be forced to vote for the Government.

We are here in the hands of the Parliament of the country, and the Parliament can, if it wishes, turn this down. That is not autoocracy; it is democracy. We defend these proposals on their merits. We put them to you on their merits, and it is you who have the last word. If that is autoocracy, then the word has taken up a new meaning. Deputy Johnson's speech was like the sting of an adder. I think it is the adder that has the sting in its tail—or is it? The speech, however, is like whatever animal has the sting in its tail. After a speech of an hour, he made just one suggestion to meet this deficit, namely, a cut in the salaries of certain officers in the Army; that was his only specific suggestion in the way of cuts.

**Mr. JOHNSON:** I think the Minister is mistaken. While I might agree with the proposition, I did not make the suggestion.

**Mr. HOGAN:** That is, perhaps, a little too subtle for me. When he referred to Army salaries, I took it that what he really meant was that we might look for retrenchment in that direction.

**Mr. JOHNSON:** I said that the cut had not been made in existing Army

[Mr. Johnson.]

salaries, but on new attestations, and men would attest on new terms; that is the point I was making, and it is very different from the method of treating the teachers.

**Mr. HOGAN:** If I am to take it that Deputy Johnson did not mean to suggest that some retrenchment could be made on Army salaries, then he made no suggestion except one, and that was increased taxation. After one hour's speech, the one constructive proposal of the Deputy is increased taxation. In an impassioned moment he turns to the farmers and asks them are they going to stand this—are they going to stand for a one shilling reduction from what Deputy Byrne calls the poor old age pensioners, and what Deputy Johnson himself properly calls the aged poor.

**Mr. A. BYRNE:** My poor old age pensioners are people in the slums of Dublin, not people with farms or people who signed away farms.

**Mr. HOGAN:** Deputy Johnson asks the farmers are they going to stand for this, and he suggested to them that a way to meet the case is to increase taxation and to put a tax on imported manufactured goods. I deal with this at length because it was his one constructive proposal. I think we all agree on one thing, and that is, it is absolutely necessary for the Minister to balance his Budget. The one constructive proposal of Deputy Johnson was increased taxation, and the putting of a tax on imported manufactured goods. I hope that commends itself to the farmers. I hope they like the prospect of increased taxation, and I hope the country will like it, as the Labour solution of the present problem. I hope the farmers in particular will like the proposal to put a tax on imported manufactured goods. At the present moment the increased figure for farmers' prices is between 36 and 40 per cent. above pre-war level, and the index figure for what they have to buy but do not produce is about 100 per cent. What will be the case if a tax be put on imported manufactured goods? Deputy Johnson is good at mathematics, as he has shown in his speech.

I would like him to tell us what the index figure would be for what the farmers must buy, and what effect it will have on the index figure of what the farmer sells. I do not think it would improve it, and I would be surprised if the farmers thought so.

When all the heroics are set aside, and when we have to come down to hard facts, then we find ourselves in the same position as the Minister for Finance found himself when he came down to hard facts. The one proposal of the Deputy is increased taxation and a duty on imported manufactured goods. I am perfectly certain that Deputy Johnson examined the field pretty carefully. He always does his work thoroughly, and I am sure if he could have pointed out alternative methods of finding money instead of increasing taxation and putting a duty on imported manufactured goods, he would have done it. I will say that for him.

**Mr. JOHNSON:** The responsibility is not mine.

**Mr. HOGAN:** I know the responsibility is not yours. The responsibility, unfortunately, is on the Minister for Finance. He must do it. The Deputy has been criticising him, and has been showing how wrong he is. The Deputy pointed out: "This way madness lies." The responsibility is on the Minister for Finance, but the irresponsibility seems to be Deputy Johnson's.

I put it to the Dáil that if Deputy Johnson, on behalf of the Labour Party, could have made a single constructive suggestion except these two he would do it. Now, we have got to get this money by means of these cuts. We have got to get more money, and there will be many more cuts, and these will have to be made, too. The Minister for Finance will balance his Budget, if it can be done, and this is only a beginning. These two cuts should be looked upon in that light. Deputy Johnson dealt with old age pensions first. He went into figures, and announced that we were not justified in proceeding on the cost of living figure in making this cut. These pensions were increased in the year, I think, 1920. I am not sure about the year.

**Mr. JOHNSON:** The point I made



was, and I think the Minister will agree when I remind him of it, that if the cost of living figure is to be made the basis of the cut, then I say it is not justified.

**Mr. HOGAN:** That was the point. The pensions were increased when the cost of living figure was 120. I do not remember at the moment the year in which the increases were given, but I know that the cost of living figure at the time was 120. Why, I ask, were the pensions increased? They were increased because of the increase in the cost of living, and as a concession to the fact that the cost of living had increased. Therefore, I say the Minister for Finance is perfectly justified, unless somebody goes into the merits of the case and shows him that he is wrong, in taking the pensions in that year, the year in which the pensions were increased because of the fact that the cost of living had increased, and in saying that "the cost of living figure in that year was 120, but it has decreased by 33 per cent. since; therefore, I propose to decrease the pensions only by 10 per cent." On the face of it, I say that is a reasonable proposition.

Deputy Johnson wondered why the Minister for Finance should have said that the pensions were never meant to take the place, let us say, of wages, and that they were never intended to be the sole means of livelihood of a particular recipient. The Deputy wondered why the Minister said that. He said it for the simple reason that arguments were being advanced here which would have no validity, except that the people using these arguments had suggested that these pensions were fixed on that basis. They were not fixed on that basis. I do not think it was ever suggested by anyone that they were fixed on that basis. There has been a decrease of 33 per cent. in the cost of living figure since they were fixed, and I think the Minister for Finance has made a perfectly reasonable proposal. He proposes to put the pensioners in a far better position than they were in at the time when the pensions were fixed originally, having regard to the cost of living figure. There is no doubt about that. He proposes to put the old-

age pensioners in a better position than they were in immediately after the pensions were fixed on the last occasion. There is no denying that. Deputy Johnson, I must say, worked out his own suggestion to its logical conclusion. It was that we should not take the year 1914, which has been invariably taken up to this, but that we should take previous years. Will he, I ask, admit that principle in regard to other questions that may arise. I would be interested to know that.

**Mr. JOHNSON:** On wages questions, yes.

**Mr. HOGAN:** What Deputy Johnson asks us to do at this stage is to pay the old-age pensioners what they should have been paid in respect of losses between 1908 and 1914. That is what his suggestion comes to, and that is what you have to consider in the present state of our finances. You have also to keep before you the fact that the Minister for Finance proposes to leave the old-age pensioners in a much better position than they were in at the time the pensions were fixed on the last occasion, having regard to the cost of living figure, then and now. But, if we were to follow Deputy Johnson's suggestion to its logical conclusion, what we should do is to pay the old-age pensioner what he should have got between the years 1908 and 1914. I say that the Deputy's suggestion is merely juggling with figures, and leads us nowhere, and that life is too short for that sort of argument.

We have heard a lot of heroics about the poor old-age pensioners, but we here on these benches may have just as much sympathy with the old-age pensioners as the people who employ all the adjectives. I will tell Deputy Johnson and Deputy Alfred Byrne how they can put the old-age pensioner in a far better position than he would be in, even if we were to leave him this shilling a week. If they are really interested in the old-age pensioners and in the teachers, if they do fear that this cut of 10 per cent. on the teachers and of 1/- in 10/- on the pensioners is going to have very serious results, so far as education is concerned on the one hand and the poor laws on the

[**Mr. Hogan.**]

other, they can at least help to remedy it if they would only tackle the problem with half the enthusiasm that they are tackling us at present.

**Mr. A. BYRNE:** Tell us how we are to help.

**Mr. HOGAN:** Help to reduce the cost of living figure—and Deputy Johnson can help more than any man in that direction—to 72. That is a proposition that labour can help in just as it is a proposition that capital can help in. I just want to say this, that having been in fairly close touch with the industrial situation during the last month, my experience is this, and it is the truth: Labour does not care whether the cost of living figure goes up or down provided the present wages are maintained, and capital, the employers in Dublin as a body—there are exceptions of course on both sides—does not care whether the cost of living figure goes up or down provided present profits are maintained. That is undoubtedly the moral to be drawn from what has happened during the last month. Labour and capital between them can solve these questions which have many reactions, far more reactions than these reactions on the teachers and old-age pensioners, but that is a matter which I will take another opportunity to deal with. I repeat that if Deputy Johnson and Deputy Alfred Byrne are really in earnest, and if they really feel the sympathy with the poor that they say they feel—Deputy Johnson certainly and Deputy Alfred Byrne almost equally certainly—and if they tackle this question with the same enthusiasm and conviction that they have shown as regards these two cuts, they could help the poor five times as effectively by bringing down the cost of living figure and, in addition, they would be doing a good turn to everybody in the country as well.

These heroics that we have listened to are absolutely unreal. All this talk about the old-age pensioners and about the teachers sounds very hollow to anyone who knows the real facts of the case. I would want a lot of persuasion to believe that there is any real sym-  
-

thy with the old-age pensioners or with the teachers or with any of the other down-trodden classes in the country amongst any persons or parties who have examined the industrial, and the general, situation in the country. If you want to help the people who are poor in this country, and if you want to help national economy, the thing to do is to concentrate in bringing down the cost of living figure, and that must be done from both sides. Unfortunately, the farmers, who are being appealed to, are in the position that they must wait while both sides here in Dublin, which is the key to the position, say, "Who will begin?"

As regards the teachers, Deputy Johnson did not take exactly the same line as Deputy O'Connell who suggested that we had broken an agreement, and that this cut was a violation of a contract. That argument does not hold water. Would anyone suggest that if the cost of living went up by, say, 500 or 1,000 per cent., as it might easily do—a very small thing would bring about such a situation as you may realise if you look at Germany and other countries—that the teachers would not come and ask for an increase in their salaries. Equally, is it suggested that if the cost of living suddenly fell to par that the State should look on and say "We made an agreement with the teachers in 1920, when the cost of living figure was 180, and we cannot touch their salaries now." These are two extreme cases. Surely, no reasonable man will say that the teachers would not be entitled to an increase if the cost of living figure went up enormously, or that, on the other hand, the State would not be entitled to make a reduction if the cost of living figure fell to par.

If that is so, the one question to consider here is, whether the 10 per cent. cut is justified on the facts, figures, and merits of the case. We had three speeches on this question, one from the Minister for Finance, one from Deputy O'Connell, and one from Deputy Johnson. The only figures quoted in these speeches were the figures given by the Minister for Finance. He said that the teachers' salaries had been increased three and a

half times. Deputy O'Connell called attention, and rightly called attention, to the fact that the basic salaries paid to the teachers were very low. I will agree that you could conceive such a state of affairs that would justify an increase of three and a half times if the basic salaries were extremely low. It may be that at the present moment, in the interests of the teachers and of fair play, that their salaries should be increased three or three and a half times. But, I ask, let us have the figures. The Minister for Finance makes a plain suggestion. He says that the salaries were fixed in 1920, at a time when the cost of living figure was 180, and he proposes to take 10 per cent. off their salaries at a time when the cost of living figure has fallen by more than 100. That, I think, is a reasonable proposition. Let Deputy O'Connell produce his figures here if he has a good case. Deputy Johnson did not attempt to do it, but let Deputy O'Connell produce his figures and give the salaries that the teachers are paid if he says we are doing wrong. Let him show what 10 per cent. would amount to; let him show it to us and to the country, and we are willing to be judged on the merits of the case; but, as I have said, there has been no attempt made to do that. We have to carry all the blows and do the unpopular thing, but there has been no attempt made up to the present to show the Minister for Finance how he is to get about one million pounds to balance his Budget this year, the recurrent Budget of this year. The Minister stated that he has to meet a deficit of something over a million on his Budget this year.

We were asked some time ago not to approach this question in a party spirit. We were advised, and I think it was good advice, to take the country and the Dáil into our confidence, and to put all our cards on the table, and we were promised co-operation and told we could not get on without co-operation. We realised that. This is a big job, and we want the help of every man of good will and of every man who means business. But, it is not exactly in that spirit that these sort of speeches have been made. People are not entitled to get up and

attack us, on what they consider a politically vulnerable issue, in extravagant language, without at least making reasonable suggestions. We heard a lot about salaries, and that the Dáil is entitled to know if people are being paid too much. I say that the Dáil is entitled to know that the salaries we pay are what we can afford to pay. We hear a lot of loose talk about salaries. Letters appear in the newspapers which save other people from troubling to think about them. They say they know what salaries are being paid. There may have been extravagances; it would be impossible if there were not, but they have been extremely few in the circumstances. We do not pretend to be perfect, but every sensible man here knows that no possible retrenchment of salaries in the case of the men who have been appointed since the Treaty, could get us £50,000. Let us have some measured language in our criticism. We will not fill up this big gap of over a million pounds simply by saying "salaries." It is hardly fair to suggest either, as Deputy Figgis suggested, that we are now proposing to appoint seven Parliamentary Secretaries at £8,400. That is not a fact. The Ministers' Bill is to construct the framework of the various Government services for the future. It is proposed, under the provisions in that Bill, to co-ordinate services like agriculture, education, and industries which were previously scattered under this, that, and the other head. That will do more for economy, in my opinion, in a year or two years than any other measure that could be brought forward with the same object.

#### **AN LEAS-CHEANN COMHAIRLE:**

It would be better for the Minister not to go into this question, which will be debated here on Friday, when the whole matter will be raised on the Ministers' Bill.

**Mr. HOGAN:** I bow to your ruling. In the end, in addition to the two constructive suggestions which Deputy Johnson made to meet this deficit, namely, increased taxation, and putting taxes on imported goods, he suggested additional expenditure. After balancing the Budget by increased taxation, we are to borrow, I presume, for the

[Mr. Hogan.] additional expenditure we will have. I agree, we have to spend money on useful reconstructive work, but it is to put himself in a position in which he can go with his head up and ask for money that the Minister for Finance proposes these cuts, and he will find it necessary to make more cuts. We cannot be going round in a circle. There must be no decrease in wages, no decrease in profits, and old age pensions must remain the same. There are going to be a good many increases in taxation and other things, but there must be no decrease in expenditure and yet we are to find money to balance our Budget. It is not business. I invite the other Deputy who has put down this amendment about the aged poor to tell the Minister for Finance where he is going to get this million. We have, I think, exhausted salaries. In addition to these cuts we want others, and I invite Deputy Alfred Byrne to show the Minister where he can get the necessary money.

**Mr. WILSON:** Civic Guard.

**Mr. J. WHITE:** Local Government Board.

**A DEPUTY:** The Governor-General.

**Mr. HOGAN:** You cannot do it by smart interruption. It is a business problem. We want something like one million. Show us where we can get it before you say that we should abandon these two cuts which we say are, on their merits, justified.

**Captain REDMOND:** If I had been framing this amendment perhaps I would not have used the exact words which we find on the Order Paper, but with the general intention of the amendment I am in complete accord. Now the Minister for Agriculture has sought to reply to Deputy Johnson's various arguments, but I approach this question from a somewhat different angle, though perhaps arriving at the same conclusion as Deputy Johnson himself. The real question I want to put to the Government is, why have they—and presumably they must have a reason for doing so—hit upon these two specific cases for immediate reduction and retrenchment? I want to know

whether they have exhausted every channel of inquiry into every other means whereby they could secure this million which will be required to make up the unfortunate deficit and if they have not made these necessary inquiries, I say that it was, and is, their bounden duty to do so. These two items—old age pensions and teachers' salaries—are, to my mind, the very last sources from which the Minister for Finance should seek to make up his million deficit. Therefore, I seriously would urge upon the Government the sensibility of the proposal put forward the other day by Deputy Bryan Cooper, namely, that if they had not yet had inquiries made into every other means of securing this supply they should now, and it is not yet too late, set up a small Committee to make inquiries into every possible, available, financial source, including, especially, Government staffs and Government departments whereby they may be enabled to raise the sum by methods of retrenchment. It would not possibly take very great time, and it would put the Government in a particularly strong position if they would be enabled to come to the Dáil and to tell the country that after making these exhaustive inquiries they find that these two sources are the only two whereby for the moment they shall be able to secure this sum. I do say this, that if it were at all possible, any other source would be better than to deprive the aged poor of their wretched and miserable pittance, because it is nothing else, and also the teachers of the salary which was agreed upon by the late Government.

The Minister for Agriculture has taunted Deputy Johnson with making no alternative suggestion, but the increase of taxation and the diminishing of salaries. This is the first occasion I have had the opportunity of making any suggestion, and most tentatively I immediately accept his challenge and venture to make some upon my own.

In the first place, I welcome most heartily the Minister for Finance's statement with regard to the 7 o'clock. general policy of retrenchment, but he was exceptionally vague as to how that policy was to be applied, except in regard to these

two particular instances. It is true he did say it might be possible to scrap some Ministries in the future. I will make one suggestion here at once: that is, that the Ministry for Fisheries should be scrapped here and now. I am as interested in fisheries as any Deputy in this Dáil, but to have for us, a population of little over three and a quarters millions in the Free State, a separate Ministry of Fisheries, when Great Britain, with a population of thirty-three and a quarter millions, has no separate Ministry of Fisheries, but whose Ministry of Fisheries is incorporated with the Ministry of Agriculture—I think is utter extravagance upon our part. I think that no better or more capable Minister could be found to deal with the necessary and, perhaps, complicated problems in regard to our Fisheries in the future, than the Minister for Agriculture who has spoken. There is one definite proposal I make now, that that Ministry be instantly scrapped. That may not amount to a million pounds, but it goes some way towards it. I will make further suggestions. It is not only in the question of particular individual salaries that economies can be made. Enquiry is necessary in order to avoid that snake-like system of redundancy which, unfortunately, has crept into our administration to-day. It is common knowledge that there are walking about the streets of Dublin efficient Civil Servants who have not only nothing to do, but are not allowed to do anything, but who are paid huge pensions, and in whose place others have been put who have to be paid salaries. I say that after examination by a Committee such as I suggest, the Minister for Finance would be able to make extraordinarily large economies by cutting down existing staffs of the various Departments. I would make further suggestions.

Is it proposed still to indulge in the policy of "sack the lot"? Are all the existing Judges to be dispensed with? I do not think that is the present intention of the Government, but it may have been their intention some time ago. At the commencement of the sitting of this Dáil I asked a question of the President whether it would be an

immediate saving to the Irish Exchequer to retain as many of the present Judges as possible. He admitted that was so. Is it the present intention of the Government to do so, or do they intend paying two-thirds of the salaries of those Judges out of the Free State Exchequer and appointing additional ones? I think that is a very pertinent question. This does not only apply to judges. It applies equally to Civil Servants generally. It applies to Clerks of the Crown and Peace. Is it the intention of the Government to scrap them and appoint new ones? I would like to know what was the cost of doing away with the late Crown Solicitors. We have had to appoint other solicitors in their place, and we have paid for dispensing with the existing ones. The Minister for Agriculture also seemed to suggest that it was up to both employers and employees, typified, as he made them out to be, by the persons of Deputies Johnson and Hewat, to bring down the cost of living and thereby place the old age pensioners in as good a position as they were previously. That is a very good idea, and one to which I thoroughly subscribe. But why apply it solely to old age pensioners? Why not fix upon some other group of citizens in the country? Reduce the expenditure upon them, and the same argument applies both in regard to Deputy Johnson's and Deputy Hewat's efforts in the future. I think we have yet to be told by the Government, not so much on what grounds they justify this actual cut of 10 per cent, but why they propose the cut at all in regard to these two classes and not in regard to the others. The Minister for Agriculture has said, in regard to teachers, that if the cost of living went up would it not be suggested that their salaries should be increased? He knows as well as I do, and as well as the rest of the members here, that the salaries of the teachers were not increased on the basis of the cost of living, but that their salaries were increased because they were endeavouring to exist upon a starvation wage.

It was never an adequate wage. That was the finding of the Committee of Inquiry, the result of which was the agreement, stated to be a permanent

[**Captain Redmond.**]

one, the breaking of which is complained of by Deputy O'Connell. Therefore, as regards the teachers it is not a question of the cost of living, and I may say here, for my own part, if there is one branch of all others where I would be generous, where I would be lavish, even to the point of extravagance, it would be in regard to the proper remuneration of Irish teachers. Goodness knows, I had enough experience in another place of endeavouring to extract some recognition of the value and the worth of teachers. The Government of that time had their lesson in their treatment of them, and I hope that the Government of to-day will not find the same result. I do not propose to go into the question of the merits of these reductions. I am in favour of a policy of retrenchment; I want retrenchment, because it is a living necessity. If we are to exist, we must cut our cloth according to our measure. But, what I do object to is that these two classes, without adequate explanation, should be specially singled out and fixed upon as the two who are to be made the victims of immediate reductions. The statement of the Minister for Finance—which I think was rather overdue, because it was really the first financial statement of any importance, for the last year at any rate—contains some items which I certainly would like to have cleared up. We know that there are debt charges for loans from banks. We have not been told either the amount of the loans or the amount of the debt charges, and I think that that is a very important consideration. Neither did the Minister for Finance refer to what we might term our Great War Debt. We all hope that under the Clause in the Treaty the set-off of over-taxation in the past will more than counterbalance the amount of War Debt due from us to the Imperial Exchequer. I think we are owed more than that, because, judging from newspaper reports, and from Ministerial statements, the Six County Parliament has already been allowed a considerable amount of abatement in regard to the War Debt which they so eagerly and so willingly adopted. I think, therefore, that it would be well, speci-

ally in view of the coming Loan, if matters like this could be cleared up. In regard to the question of currency, there I must part from Deputy Figgis—

**Mr. GOREY:** On a point of order, may I ask if this discussion is not going outside the terms of the amendment?

**Captain REDMOND:** Before you answer that, I might be allowed to remind you that the Ceann Comhairle expressly stated that he would allow latitude in regard to the question of the statement made by the Minister for Finance, and that we should discuss it on this amendment. •

**AN LEAS-CHEANN COMHAIRLE:** I think the Deputy is in order. The Ceann Comhairle gave a ruling that Deputies were to be allowed a certain amount of latitude in discussing this motion.

**Captain REDMOND:** I am afraid that I am not altogether in agreement with Deputy Figgis in regard to the question of currency. I think, as we have to float a Loan, the least we say about currency the better, except perhaps to make that Loan a success. Now that the matter has been raised, I think it would be most advisable for the Minister for Finance to assure the country that he has no intention of tampering with the existing currency. I think that that would distinctly reassure the people who would have doubts about the matter.

As to the amount of the Loan, the rate of interest and its character, we are in complete darkness. I think it would be well also if the Minister for Finance could clear the air on that point. Before he comes to any definite conclusion, at least, before he makes any public statement binding himself and his Government to any particular form or amount of Loan, perhaps I might be allowed to make this suggestion. Taking for granted that we want to raise this Loan in Ireland, our problem is how best to achieve that object. I would divide the investing community into two classes, the one, the larger investor, the man who has large sums of money at his disposal, or companies, or charities, for that matter, and the

other the small individual investor, and I would provide one form of Loan for each. I would suggest that there should be, as there was in Great Britain during the war, a Loan at, if necessary, a lower rate of interest, but free of Income Tax, for the large investor, similar to the 4 per cent. Loan which was such a success in Great Britain, and I would go so far as to say that for the small class of Irish investor nothing would secure the money and fill the coffers for the Minister for Finance better than an issue of premium bonds. To the ordinary Irishman it does not matter very much, when he invests £5 or £10, whether he is to get 5 per cent. or 3½ per cent., but it does matter if, when investing £5 or £10, and getting only 3½ per cent. interest, he may have a chance one fine day of finding himself in the possession of thousands of pounds. I throw out these suggestions on this occasion because, according to the ruling, I am afraid that this is the last opportunity that I will have for doing so on the Governor-General's address. That is why I have taken advantage of this opportunity to ask the Minister for Finance to consider these various aspects and, if he possibly can, to clear the public mind of any doubts that exist in regard to these various questions in order to ensure the success of the Loan which he is about to issue. I do say in regard to these proposed cuts that there are, in my opinion, other means at the disposal of the Government for obtaining this £1,000,000, and even if they cannot see to it, even if they are able to come here and say, "We know of no other means," I say it is still their duty to take advantage of the suggestion put forward by Deputy Bryan Cooper, to have a Committee appointed to exhaust every possible channel of inquiry before they proceed to cut down the salary, in the one case, and the pension in the other, of the two classes who should be the last resource of any Finance Minister.

**Mr. SHAW:** I do not intend to take up much of the time of the Dáil in connection with this discussion, as I understand the matter will be taken up again on Friday, but I would like, if possible, that the Minister for Finance would put before the Dáil the

cuts he intends to make as regards the various other persons in receipt of salaries. Undoubtedly there does appear to be a difficulty from the point of view of the selection of National teachers and Old Age Pensioners, because the first question put to the person is "Why are these selected?" and if the Minister for Finance would outline his other suggested cuts it would leave the Dáil in a very much better position, and we would know better how to record our votes. It is perfectly evident to the Dáil and the public that cuts and retrenchments must be made in the various positions, and it would be well if the Minister for Finance would state what he intends to do in this respect, so that teachers and Old Age Pensions will not appear to be victims.

**Major BRYAN COOPER:** I entirely endorse what Deputy Redmond has said on the subject of the Loan. I do not endorse everything he said, but on the subject of the Loan he has expressed my views better than I could. I do not know if the Minister for Finance expected his proposals to be agreed to with joy. If so, he will have been disappointed. I regret that he finds it necessary to make a cut in the Old Age Pensions, and the reason I regret it is because I am extremely anxious to see Income Tax brought down to the British level. I realise that in a democratic state it would be very difficult for a Minister for Finance to bring down the Income Tax, having reduced the Old Age Pensions. I do not ask him not to make the cut, but I suggest while making the cut he should look into the Income Tax Acts, and into their administration carefully, because he made a strong case, a case that has never been answered outside the Dáil, and which Deputy Johnson has not attempted to answer, when he said that 13 per cent. of the National Income went to pay Old Age Pensions as against 2 per cent. in Scotland. I think Deputy Johnson's answer to that was that Ireland had an abnormal number of people over 70 years of age. That abnormal number of people are old friends of mine. I have been meeting them for the last 15 years. From 1908, when the Old Age Pensions were intro-

[Major Bryan Cooper.]

duced, we were told that Ireland had an abnormal number of people over 70 years of age. That was true in 1908, but if true now there must be an abnormal number of people now over 100 years. There were special circumstances in these days, owing to the effect of the famine and the exodus caused by the famine, but I believe now that the balance has been redressed, but that there is an abnormal number of people prepared to transfer their property to other people to get the pension. We should take into consideration not only the pensioner's own means, but the means of his children, who ought to support their parents in their old age, if they have the means to do it. An amendment should be introduced on these lines, and the Minister should not shrink from the consequences of making it legal liability for children to support their parents where they have the means to do it. A man is legally obliged to support his wife, and why should not children who have farms be compelled to support their parents? I have heard of one case, in Co. Carlow, where a man has the old age pension, and he has a son who is receiving £1,000 a year in the Police Force in Singapore. There are, as we all know, cases of that kind.

**Mr. JOHNSON:** Jurisdiction does not extend to Singapore.

**Major BRYAN COOPER:** The jurisdiction does not extend to Singapore. Deputy Johnson has made a point against that on legal grounds, but that is not a thing on which I would make a suggestion on. I leave it to the Attorney-General. I wish to turn from the old age pensioners with that suggestion—to the question of National Teachers. It is very remarkable we have heard so little from the Labour Party, that Deputy Johnson's has been the only speech on this amendment, and it is still more remarkable that Deputy Johnson, with his usual wisdom, will not go into Deputy O'Connell's point regarding broken contracts.

It has been made a great deal of. I think it is germane to the debate because Deputy O'Connell used it in argument on this question. It has been made an enormous amount of outside

the Dáil, both by the National Teachers at their meetings and in correspondence in the Press. It was stated that a contract was made in 1920, and it is now being broken by the Minister. Was there never a contract made before 1920? Did not every Teacher who entered the employment of the State, enter into a contract to serve for a certain salary? Did the Teacher ever hesitate to have that salary increased? Never. You cannot have a contract binding on the employer and not on the employee. I took that view when I heard Deputy O'Connell speaking, and I am confirmed by this publication which is issued by the Irish National Teachers' Organisation.

**Mr. GOREY:** Hear, hear.

**Major BRYAN COOPER:** This publication says that in October, 1918, the teachers applied to have their claim for a temporary war bonus considered by the Arbitration Board. It was considered and adjudicated on, and it was far from satisfactory; but one of the conditions under which it was decided was that all the parties should pledge themselves beforehand to accept and abide by any decision arrived at by the Arbitration Board. The Teachers accepted the 1918 award, much as they were dissatisfied with its terms. The Teachers renewed their application for increased salaries and in June, 1919, they put forward a claim for a permanent scale. They abided by the award for nine months. They never hesitated to agitate to have their wages increased whenever they got an agreement they did not like, and is the Minister for Finance then to be debarred from taking steps to have their wages decreased when a new situation arises? Are the Teachers to be at liberty at any time to agitate against an agreement they have made, and pledged themselves to abide by? No wonder this publication is called "Broken Pledges"; the title is very appropriate indeed. Surely the common sense of the whole matter is that every contract is subject to variation. Take a case in which Deputy Good is to build me a house and a contract is entered into. Circumstances arise which make it onerous or impossible, and we can go



into court. If we establish a case we can have that contract set aside.

**Mr. JOHNSON:** Hear, hear.

**Major COOPER:** This is the court, and the Deputy, by moving his amendment, has put the matter before the court, which is the Assembly of the nation.

**Mr. JOHNSON:** Will the Minister tell if he will accept the decision of the Court or appeal to the Court?

**Mr. BLYTHE:** I must accept the decision of the Court.

**Major COOPER:** It is obvious he must.

**Mr. JOHNSON:** Are we to take it, then, that the Minister acted in defiance of the Court and before the Court had decided?

**Mr. BLYTHE:** I acted within my power. I am appointed to an Executive office by this Assembly. I acted in pursuance of that office, and my action is subject to review by the Assembly that appointed me.

**Major COOPER:** Deputy Johnson has appealed to Cacsar in this amendment. If the amendment is carried, the Government go out of office and the Deputy has made his point. Surely it is not illegitimate on the part of the Minister to bring this forward? If he made the cut and refused us an opportunity of discussing it, I think it would be unfair; but, in the circumstances, I do not understand Deputy Johnson's point. I understand it almost as little as the suggestion that the National Teachers are peculiarly helpless, and not like the Army or the *Gárda Síochána*; they cannot strike back. I have been reading the reports of meetings of National Teachers, and I am bound to say that they have a pretty shrewd idea of how to hit back. I read the report of a meeting in Dublin. I do not know if Deputy Johnson was there, but Deputy O'Connell was, and he made a very judicious speech. A gentleman called Quinn at that meeting remarked that it would be the duty of all Teachers to advise the parents of the children not to invest in the Government's loan. That is a somewhat new idea of patriotism. He

finally wound up by saying that if the Minister for Finance gave them all they wanted they would do their duty, but if not he might look out for trouble. These are the gentlemen who cannot strike back. It seems to me they can strike pretty effectively. I think that gentleman is a constituent of mine. As a teacher of citizenship and patriotism, I should say he was very highly paid, indeed, whatever salary he got, even if it were only a penny. Deputy Johnson's remedy is increased taxation. He made a great point of the Government's election manifesto. Unfortunately, during the elections he was laid up, and I do not think he can have brought home to those responsible for his campaign that his idea for removing the evils of the State was to increase taxation. I do not remember seeing anywhere in print: "Vote for Johnson and Increased Taxation." I sometimes wonder what would be the result if he had issued that? Secondly, his remedy was that the well-to-do classes would have to be content with simpler mode of living. They would have to do away with their motor cars, for instance. My withers are unwrung. I sold my car fourteen months ago and I could not get another one, because I have to meet double the taxation I was liable for in 1914.

I have to pay double taxation now on a smaller income. I wonder has it escaped Deputy Johnson's notice that there is an island three hours' journey away where that scale of living does not apply. Deputy Johnson must have a most extraordinary idea of the patriotism of the well-to-do classes in this country. I never realised it before, but I did not gather it from his speeches. He thinks that this class who have money in investments—investments that can be transferred—are tied to Ireland. They are not. What is left of their property they can easily dispose of, or they are probably prepared to sacrifice, and yet Deputy Johnson expects them to stay here and pay heavy taxation, when it is perfectly easy for them to transfer themselves and their investments to Great Britain, the Channel Islands, France, or anywhere else on the globe, and

[Major Cooper.]

enjoy those amenities of existence that Deputy Johnson would not allow them here. His one remedy and solution for the evils of the State is increased taxation. Surely that way madness lies. No, sir, nobody likes economy. All economies are unpleasant, but taking it in this scale between Deputy Johnson and the Government I shall vote for the Minister for Finance's proposal and against the amendment.

**Mr. GOREY:** I suppose it is more or less expected from me and from the Party that I represent, that we should define our attitude on this question. I believe before the Minister for Finance ever came in for hard knocks over this question of the teachers' salaries that I had been having my share of it. I, too, have occupied columns after columns in the Press for the part I took here seven or eight months ago over the very same question. At that time, I simply gave a bald statement of what the salaries were. I made very little comment, and the statements that I made then have been borne out by several others. The statements that I made then, I am prepared to repeat now. The income, I said, of First Class Principals might be taken at £370 for men and £300 for women, with a Capitation Grant added. The Minister for Education is my authority; I am quoting his figures. These are the figures he gave. The facts are that 85 per cent. of the married teachers in my county are married to each other. The fact is that the male National teacher and the lady teacher are, in a large number of cases, husband and wife, and they run the schools between them.

**Mr. O'CONNELL:** Do farmers ever marry farmers?

**Mr. GOREY:** I will come to that later. The facts are that an income not less than £700, and probably not more than £800, is very often coming into one house in the country. Deputy O'Connell has interrupted about farmers. A good many of these teachers are also farmers. I can quote him dozens of them who are also farmers. I had one with me on Sunday evening who is also a farmer. He was canvass-

ing me. Now, a 10 per cent. cut off a £700 or £800 income would mean £70 or £80 of a cut. That is a big thing coming out of any home. But I think these people who complain of their cut in income might easily console themselves with the fact that they have an income to cut. There are very few people in this nation at the moment, who have any income that can be reduced, and there are many people who have no income at all. There are very few people in the Saorstát at this moment with any income, and the man or woman with £700 or £800 of an income coming into the home is in a very happy position. They are the favoured few of the community. A good many people down in my part of the country, I am very glad to say, are able to indulge in some of the luxuries of life. It is no uncommon thing in my town. Last Saturday the teachers had a meeting, and anyone could see ten or twelve private motor-cars, belonging to the teachers, passing through the town. Well, the reduced cost of petrol will more than balance the proposed cut. They will be in a better position, considering the reduction in the price of petrol, than before. Lower grades will be quoted by the teachers. They have been quoted, in some arguments, as being in receipt of a salary of £120 a year or something like that. Now, these people in receipt of this salary are young men and young women living in the country and living very largely in their own homes. We know what living in your own home means in comparison to living in the City of Dublin, or in places other than your own home. I will not go into their educational qualifications at all, or into the cost which their educational qualifications entail. But I will try to contrast it with the case of the average citizen of Dublin. Thousands of young men and thousands of young women come up from the provinces to earn a living here. Then there are the cases of those who are born in the suburbs of Dublin. Some of these have to find a home far from their own, and have to live in what are called "digs." I understand the least figure at which they can live in decency in the City of Dublin would be 35s. a week. That is quite different

from the tariff in the country. How many in the Government Departments here are in receipt of £3 a week? How many of the thousands of the typists in the City of Dublin are in receipt of £3 a week—people whose education cost them something and whose years of study were not a few. Take the case of stenographers and the other hosts of people who come up here from the country to make their living. Their education has cost them a lot.

They are not in receipt of any thing like the amount of even these low grade salaries and they have to live in Dublin, and to be respectable and to dress themselves well. These are the people—the average citizens—and these are the people asked to deny themselves the means of subsistence in order that the favoured few may be put in a position that they themselves can never attain to; for the citizen in Dublin with £3 a week, and the citizen in the country with £3 a week, are two different cases altogether. None of the speakers here, in dealing with this question, has made any contrast whatsoever with the position and salaries of teachers in other countries. I made a statement over half a year ago with regard to this question. The figures I quoted were not my figures; they were the figures of one of the leading journals in England—the “Daily Mail.” Its columns were opened to anybody who wanted to contradict their figures. Were they contradicted in the columns of the “Daily Mail” or in any newspaper in Ireland with any circulation? They were contradicted just on the eve of the late election in provincial newspapers where the men who wrote them knew they would never be seen. Mr. Mansfield and the rest of them wrote in the columns of the “Kilkenny People” to contradict these figures, and they tried to throw dust in the eyes of the electors. Column after column, week after week, were published in little country journals, where it was known they would never be seen, except by the local electors. Why were not these figures questioned—the figures for Belgium, France and America? If we were able to spend more on education than any of these countries and were able to pay our teachers more than any of these countries, then by all means

let us do it, but are we able to pay more? Are the resources of this country greater than the resources of any other country? We stand higher on the list than any other country with regard to primary education. We pay more to our teachers, with the exception of England, than any other country. The only argument to justify this would be that we were in a better financial position if we were able to get money easily; but can we? Deputy Redmond very wisely said we have to cut our cloth according to our measure. We had better do it, and if we have to cut it on every other section of the community not only with people in receipt of salaries and wages, then we had better do it in regard to the teaching profession. It is asked why anything else has not been touched except these two services. The Minister for Agriculture has said that this is only the first instalment of the cuts in the different services. I welcome that statement, and I accept that as the Government's intention. It is time that not alone these services but every other service, including the Government service, should be recast, and seriously recast, and recast not from the bottom, but from top to bottom. Agreements have been entered into, and Deputy Cooper has dealt with these. We have all been reading these leaflets sent out by the Teachers' Organisation, and I see there have been several agreements. I think there were at least four. If these different agreements were broken, why not the last one be broken?

**Mr. O'CONNELL:** Did the teachers ever break their agreement?

**Mr. GOREY:** All these arguments against this cut are put forward from the Labour Benches ostensibly in the interest of the rank and file of Labour. I do not think for a moment we are deceiving Labour at all upon this question; we are not deceiving the rank and file. Labour will look for money where it thinks it is; it will look for income or a share of income where it is. It would be very foolish if they did not look for it where it is, and if we want money for reconstruction and for employment and for development we will have to retrench and look for it where it is, and the rank and file of Labour

[Mr. Gorey.] will find it on the Labour Benches represented by Deputy O'Connell; they will find there an income running into something like seven or eight hundred pounds a year. That is the place to look for it and not where it is not.

I have been talking to several men in the rank and file of the Labour movement on this question, and I know there are no cobwebs on their eyes at all. Deputy Johnson advised us to look around for other means to make a saving. I have heard that phrase from the Deputy before, but he has never yet pointed his finger as to where we are to look. He must have some idea himself, because otherwise he would not have given us the advice, but he has never yet told us where to look. Deputy Redmond also spoke, particularly with regard to the old age pensions. I want to make our position perfectly clear with regard to the old age pensions. We accept the proposal of the Minister for Finance only because of the fact that 9/- now represent a good deal more than 10/- did two years ago. As a matter of fact, from the figures put before us, 7/- now are worth as much as 10/- two years ago. We would not accept the reduction in the old age pensions were it not for the fact that 9/- to-day leaves the old age pensioner in a much better position than he was in two years ago. Deputy Redmond talks about the miserable pittance of 10/-. If it was a miserable pittance when it was fixed in 1920, what was it before that year? I believe it was only 5/- at first. If that is so, it must have been a still more miserable pittance then. What, I ask, was Deputy Redmond doing during all these years when the old age pensioners were receiving that still more miserable pittance of 5/-? He was a member of the British Parliament, which passed the Act dealing with the old age pensioners, and that was where he should have made his voice heard. He was in a position to make a protest, but did he do it?

**AN CEANN COMHAIRLE** resumed the Chair at this stage.

**A DEPUTY:** He advocated 10/-, but his suggestion was not adopted.

**Mr. GOREY:** Then why did he not

bring in a Private Bill and get the amount increased?

**AN CEANN COMHAIRLE:** The Deputy is under a misapprehension. A private Member could not introduce a Bill to increase a public charge.

**Mr. GOREY:** I am sorry. We welcome these proposals as a step in the right direction. We accept the proposal with regard to the old age pensioners because the money value proposed in the cut represents, for the pensioners, a better position than they were in two years ago. Only for that we would oppose it. We recognise the fact that money must be found and that more millions must be found. We know that this year's revenue is not a normal revenue. I would like to know from the Minister for Finance how much of the income tax he received was normal for the current year, and how much of it was arrears that had been accruing for years. It has also to be remembered that we have to face reconstruction and development problems, and that we have to find employment for the unemployed. We will have to find money to do all these things, and in my opinion if we are to tackle all these problems we will have to find more than the million that has been referred to.

Someone made the suggestion to scrap the Ministry of Fisheries, and so spare us the £1,700 a year that is paid to the Minister in charge of that Department. I do not care what title you give to the Ministry of Fisheries, whether it is put under the Department of Agriculture or some other Department, it is going to cost the amount that it is now costing, and you will want some Department to deal with it. I say that if the Minister for Fisheries is to do justice to the position, and succeeds in developing the industry as it should be developed, he will have earned his £1,700 a year, and the money will have been well spent. No matter what heading you put the Ministry of Fisheries under it will cost just as much money as it does now under the title of Ministry of Fisheries. You will have to employ the same staff and there can be no saving in that respect. There has been some reference to this in the newspapers, but I say, with all due respect to these people, that they do

not know what they are talking about. We heard another suggestion that money could be spared on the Governor-General's establishment, that a few thousand pounds could be spared. It would be well for people to remember that we want millions saved, and that millions and not thousands must be saved if we are to make this country solvent. If economies are to be made everyone in the nation will have to bear his share. The people in the country have not incomes of £700 or £800 a year. The average man in the class that I represent has no income at all. His income has disappeared. He had a bit of an income during the war, but he has none at all now, and he has to pay his way out of capital or pay out of the bank or not pay at all. If all the industries and all the professions of this country are going to be saddled on the agricultural industry, you will have this position: that every man engaged in agriculture will combine into one party and scrap every other section in the Saorstát.

**General MULCAHY:** In the discussion which we are having, and which is supposed to be on recurrent expenditure, Deputy Figgis dealt with certain points regarding the army to the prejudice, I think, of a clear discussion as to what is recurrent expenditure. The remarks that he made with regard to the army and its position were, from the point of view of non-recurrent expenditure pure and simple, and I think it well to deal with some of those points in order to remove certain impressions that may be created to the prejudice of what we are discussing here.

I might mention, with regard to Gormanstown, which is said to be a place in which vast retrenchment  
8 o'clock. can be brought about, that there has been already within the last few days marked down for immediate demobilisation 211 men. As we use it at present, we do not anticipate that the life of Gormanstown as an institution will be longer than the present financial year—will outlast the present Army Vote. At the same time, it is absolutely essential that it should be thoroughly realised that we could never have got on up to the present without Gormanstown. It was abso-

lutely essential in the circumstances in which we found ourselves that we should have an institution such as Gormanstown capable of doing all repairs to our motors without letting them outside army hands.

It is not fair also to say that the Government has not applied itself to cutting down expenditure in the Army in the same way as it proposes to cut down expenditure on salaries to teachers and payments made to old age pensioners. At the present moment you have upwards of 15,000 men in the army who are time-expired. In the next two or three weeks the demobilisation of that 15,000 men, as far as demobilisation in respect of the old terms is concerned, will take place.

**Mr. JOHNSON:** What will become of them?

**General MULCAHY:** Re-attestation will be offered to those of them that we consider are suitable for re-attestation in the army at the new rates. Whether that is cutting down the payment to soldiers at present serving or not is a matter of how you look at it.

**Mr. JOHNSON:** It is a new contract?

**General MULCAHY:** It is a new contract, but it is tackling the immediate problem, and tackling it immediately. It is suggested that the payments made to army officers may be cut down. Army officers at present serving are serving under very special conditions, and in a service that may terminate at any time. There is not a single officer in the army to whom you could hold out a definite prospect that he will be continued in his position for, say, two or three years, and it would be unreasonable, considering the work that officers in the army have done, and the problematic term of office, that there should be any cutting down of the salaries paid to the present officers.

**Mr. DARRELL FIGGIS:** I am reluctant to interrupt, but I should be sorry that the Minister should labour under any delusion or illusion with regard to what I said. I was not dealing with the question so much of economy as the question of morale. I was therefore dealing, not with the salaries of the majority of the rank and file officers—

[Mr. Darrell Figgis.]  
if I might use that expression—as with regard to the higher type of officers, and, therefore, with the highest type of salary.

**General MULCAHY:** With regard to the three members of the Army Council, the Deputy did not suggest what particular cutting down could be made in the amounts paid to those officers. I doubt if there is anybody who, realising the responsibilities that rested on the members of the Army Council for the last 12 months, could reasonably suggest that there should be any cutting down in the amounts paid to them as persons occupying the particular position that they occupy. The name of Marshal Foch has been mentioned, and I fear that the Deputy has mixed up his calculation when transferring Irish money into French money. The task that Marshal Foch was called upon to face, with his experience and training, for his country, was not greater than the task that these members of the Army Council, with their training and experience, were called upon to face for their country, and the achievements of the members of the Army Council for their country will, I am perfectly satisfied, not be written down in history as less than any achievement of Marshal Foch for his country.

The question of whether the present army might not be replaced by a militia, costing two millions or one and a half millions, is not a question that arises on the points of criticism that the Deputy raised. You have to deal with the present situation; with the machinery that you have. At the beginning of the period of hostilities here you might say that you had a militia, and your militia system, faced with the circumstances of 12 months ago, left you without any control of any kind over very much the greater portion of your country; and you cannot, in my opinion, talk of establishing a militia system for, at any rate, the next three or four years. You are tied by your circumstances here. We are laying our plans in this matter of the demobilisation in such a way that we shall probably leave you, at the end of this financial year, with an army of 20,000 men—that is, 10,000 men less than we estimated we would have.

The circumstances in which we will leave that army of 20,000 men at the beginning of the next financial year will not be such as will bind the Government or this Assembly to the retention of an army of that size for the twelve ensuing months, if circumstances do not warrant it. The expenditure on the army will have to depend on the circumstances that face you in the country. While we may hope that they will be such that you can reduce your army even below 20,000, you cannot afford experiments in shifting from the type of army you have at present to a militia system, or any other system like that, until you know in what particular atmosphere you are discussing a proposal like it, and for, at any rate, three or four years. These matters are being thought of by the army authorities. On the general matter of army accounts and army extravagance, which is so much talked of, you hear it suggested from time to time that there has been unnecessary extravagance in the army because inexperienced people have been in charge, and because you have an inexperienced army. I doubt if anyone who knows anything about armies will be very much struck with an argument of that type. Armies in warfare are extravagant, but they are carrying out a business in circumstances where you cannot have ordinary routine methods. There must inevitably be additional extravagance as a result of the manner in which matters have to be carried out. I think it well, for the comfort of Deputies, to state that the system of keeping army accounts is such that I can give you the figures of expenditure in the army up to and including the month of October. That is, on the 14th of November, I can tell you what the army has spent on itself up to the 31st of October. The total Army Estimate was £10,679,500. For the seven months ending the 31st October there was £6,750,810 spent, or 63.2 per cent. of the total Army Estimate. Seventwelfths of the Estimate would be less than that. It would be 58.3 per cent. The first seven months of expenditure for the army were, naturally, the heaviest months. The expenditure for the month of October itself was £779,750, that is, 7.3 per cent. of the whole Estimate. If the expenditure

during October was on the ordinary *pro rata* percentage, it would be 8.3 per cent. That is, 8.3 per cent. would be one-twelfth of the total expenditure. So that your expenditure in October is only seven-eighths of a month's *pro rata* expenditure, showing that, while you are to some extent overspent for the first seven months, because of the excessive strength the army carried during that time, your expenditure in October shows you are very much on the decline. The expenditure will decrease much more rapidly during the ensuing four months, say, December, January, February and March. While, as I say, that has to some extent crossed the present discussion, I am glad to see from the general feeling of the Dáil that it has not prejudiced the appreciation of the necessity for cutting down both the amount of money set aside for payment of teachers and for old age pensioners. It is not correct to say that the cutting down of either

of these amounts is simply because of the fall in the cost of living. Cutting down these amounts is owing to the absolute necessity of reducing your total expenditure, and these are two obvious and outstanding items in which it is possible to reduce expenditure. The reference to the cost of living was made simply in order to demonstrate that it is not unreasonable that such cutting down should take place, and particularly when the cutting down does not bring undue hardship upon any one of these two classes.

**Mr. GOOD:** I move the adjournment of the debate.

Debate adjourned until to-morrow.

**Mr. BLYTHE:** I move the adjournment of the Dáil.

The Dáil adjourned at 8.15 p.m.

# DÁIL ÉIREANN.

DÉARDAOIN, 15<sup>ADH</sup> MÍ NA  
SAMHNA, 1923.

(Thursday, 15th November, 1923.)

Do chuaidh an Ceann Comhairle i  
gceannas ar 3 p.m.

## CEISTEANNA—QUESTIONS. ORAL ANSWERS.

### COLLEGE OF SCIENCE.

**Mr. CONNOR HOGAN** asked the President whether it is the intention of the Government to retain permanently the College of Science for Departmental Offices, and if so, to state whether an equivalent alternative institution will be provided elsewhere.

**MINISTER for FINANCE (Mr. E. Blythe)** replying for the President: The present position as regards accommodation in Government Buildings makes it impossible to release the College of Science at the present time. The students have been and are provided with alternative accommodation.

### FUTURE LEGISLATION.—METHOD OF ACQUAINTING DEPUTIES.

**Mr. DARRELL FIGGIS** asked the President if it is the accepted policy of the Executive Council to acquaint Deputies of the proposed future course of legislation through the Publicity Department and the public Press rather than by statement in the legislative chamber?

**Mr. BLYTHE** (replying for the President): I do not know exactly what is in the Deputy's mind. The general lines of legislation were indicated to the Oireachtas in the Governor-General's speech.

The Deputy will realise, of course, that Press forecasts are sometimes accurate and sometimes misleading, and that it is on occasion necessary to take

immediate steps to correct erroneous statements.

### REPAYMENT OF OVERCHARGED DUTY.

**Major BRYAN COOPER** asked the Minister for Finance whether the Revenue Commissioners wrote, on October 20th, to Mr. G. L. MacCormick, the Pharmacy, Monkstown, regretting that he had been overcharged 2/- duty on a drug imported by him, and stating that the amount would be repaid; whether he is aware that the amount has not yet been repaid; and whether he will take steps to expedite the payment.

**Mr. BLYTHE:** The facts are as stated in the first part of the question. Authority for repayment of the overcharge has been issued and payment of the 2/- will be made by the Post Office.

**Major BRYAN COOPER:** Arising out of that answer, will the Minister try to expedite the Post Office in this matter, as his Department is primarily concerned?

**Mr. BLYTHE:** As the drug was imported through the Post Office, payment falls to be made by the Postal Department. We have ascertained on the telephone that payment will be made forthwith.

**Mr. JOHNSON:** It is well to know that the telephone is working.

### EMBARGO ON COFFEE ESSENCES.

**Mr. JOHN GOOD** asked the Minister for Finance what steps he proposes to take to remove the embargo on the importation of coffee essences, and to substitute an adequate duty thereon, as recommended by the Fiscal Commission; further, whether he is aware that the continuance of this embargo is depriving the Free State of an important source of income, and is, in addition, causing much inconvenience to a large number of persons who use these essences?

**Mr. BLYTHE:** The recommendation made by the Fiscal Inquiry Committee in their second interim report that the existing import prohibition on coffee essences should be removed, and an



adequate import duty substituted is at present under consideration, and I will make a statement as to the Government's intentions in due course. The prohibition is, in any case, a Statutory one, and can only be removed by legislation in the Oireachtas. I am not at all sure that I can accept the Deputy's argument that the removal of this prohibition would necessarily augment the Free State Revenues. If the import prohibition were removed, the imports of coffee essences would displace *pro tanto* imports of ordinary coffee which now pay duty, and it does not by any means follow that the Free State Revenues would gain as a result of the change, but the subject is one which can scarcely be dealt with by way of question and answer.

**Mr. GOOD:** I understood that prior to the embargo there was a duty on these essences?

**Mr. BLYTHE:** It dates from 1850.

#### **CARTER'S CLAIM.**

**AODH O CULACHAIN** asked the Minister for Defence whether he is aware that John Higginbottom, of Nurney, Kildare, who has been employed as a carter, at £4 4s. per week, in Kildare Barracks, has furnished his bill for £88 4s., for the twenty-one weeks' carting ending 29th September, 1923, and that, although this account has been certified as correct by Lieutenant (Quartermaster) P. O'Rourke and Captain J. Flanagan, O.C., Kildare Barracks, on the 23rd October, 1923, Higginbottom has not yet been paid, and whether instructions will be given to have this account settled at once.

**MINISTER for DEFENCE (General Mulcahy):** A certified claim for the amount stated has been received from Mr. Higginbottom. Arrangements are being made to expedite payment.

#### **WOUNDED CIVILIANS' CLAIMS FOR COMPENSATION.**

**ALFRED O BROIN** asked the Minister for Defence if he will state the result of the consideration promised to the claims for compensation in the following cases:—John Ward, 30 Railway Street, Dublin; Thomas Flanagan, 38

Railway Street, Dublin; Patrick Farrelly, 86 Railway Street, Dublin; Patrick Hickey, 38 Lower Gloucester Street, Dublin; Minnie McCoy, 26 Waterford Street, Dublin; all of whom were wounded by National troops, firing on an escaping prisoner, on 19th May last; whether, if not eligible for compensation, he will take steps to have their case considered for an *ex gratia* payment.

**General MULCAHY:** It has been found that any wounds received by Messrs. Ward, Flanagan, Farrelly, Hickey and Miss Coy were the result of the discharge of firearms by some person or persons unknown assisting the escape of a man who was about to be arrested. The persons mentioned are not eligible for compensation from public funds. It is regretted that it is not feasible to entertain the suggestion as regards making them *ex gratia* payments.

**Mr. A. BYRNE:** Arising out of the Minister's reply, in which he states that these wounds were inflicted by some person or persons unknown, is he aware that these men were in the uniform of the National Army, and that they must be known to somebody?

**General MULCAHY:** I am not aware that the persons who fired those shots were in the uniform of the National Army, and I will be glad to receive any evidence to that effect. A full inquiry was held into the matter, and at this inquiry the persons named in the answer were allowed to give evidence and were cross-examined. No evidence was brought forward at that inquiry to that effect.

**Mr. BYRNE:** This is the first time it was contradicted.

#### **TELEPHONE FOR CARRIGALINE.**

**SEAN PRIOMHDHAIL** asked the Postmaster-General whether he has received a Petition, signed by the residents and business people of Carrigaline and district, asking that a public telephone be installed, and if so, whether steps will be taken to give the facilities required.

**POSTMASTER-GENERAL (Mr. J. J. Walsh):** A petition asking for the opening of a Telephone Call Office at Carrigaline was received on the 6th instant. The necessary enquiry is being made and a decision will be given as soon as possible.

### **IRISH MERCANTILE FLAG.**

**Mr. DARRELL FIGGIS** asked the Minister for Industry and Commerce if any decision has been taken, as the result of the steps being taken to this end (as intimated in an answer made on his behalf on the 10th of May last), to establish an Irish mercantile flag; whether any Bill has been drafted to give statutory recognition to such a flag; and, if so, when this Bill may be expected to be brought before the Oireachtas.

**MINISTER for INDUSTRY and COMMERCE (Mr. J. McGrath):** I have nothing at present to add to the answer given on this matter on the 10th of May last.

**Mr. JOSEPH McBRIDE:** Would the Minister, when he is designing the mercantile flag, design a war flag?

**AN CEANN COMHAIRLE:** That is a different matter.

**Mr. DARRELL FIGGIS:** Arising out of the Minister's answer, I would like to know if the assurance then given, which was tantamount to a pledge, still remains an assurance that steps had been taken to establish an Irish mercantile flag?

**Mr. McGRATH:** Yes.

### **RELIEF OF UNEMPLOYMENT IN KILDARE.**

**AODH O CULACHAIN** asked the Minister for Local Government if he is aware that widespread unemployment exists throughout the County of Kildare; also, that several trunk roads, radiating from Dublin, pass through it, being a heavy tax on the ratepayers; and whether, in order to give employment and relieve the ratepayers' burden, instructions will be given to have the grant from the Roads Improvement Fund increased from £2,730 to £8,000, the latter sum being the amount collected in motor taxes in the county.

**MINISTER for LOCAL GOVERNMENT (Mr. J. Burke):** I am not aware of any special representations having been made as to unemployment in County Kildare. The allocation of the Road Fund is made primarily for the improvement of trunk roads, and their extent in the various counties is fully considered. Ordinary maintenance charges are a matter for the County Council. The sum of £100,000, which has been provided from the Road Fund, is a preliminary advance. The Deputy will appreciate the fact that the sum collected for motor taxes in a county is not necessarily the appropriate sum for expenditure from the Road Fund in that county.

### **SUGGESTED AMENDMENT TO LAND ACT, 1923.**

**TOMAS MAC EOIN** asked the Minister for Agriculture whether his attention has been called to the statement made by the Minister for Finance respecting the financial position of the State, and whether, in view of his demand for a curtailment of public expenditure, it is proposed to introduce a Bill to amend the Land Act of 1923, in so far as it provides for the payment by the State to the landlords of 10 per cent. of the purchase price of land.

**MINISTER for AGRICULTURE (Mr. Hogan):** The Deputy is under a misapprehension as to the facts. There is no question of payment of vendors in cash. They are paid in bonds. The purchase money of an average tenancy was fixed at fifteen years' purchase of the rent. In the normal course the purchaser pays the purchase money, and under the terms of the Land Act would pay 4½d per cent. on any money lent to him by the State for this purpose. Under former Land Acts the tenant's payment was either 3¼ per cent. or 3½ per cent. on the purchase money. The increase in the rates of interest was due to the European War mainly. In order to relieve the tenant from the increase in the rate of interest, I recommended, and the Dáil agreed, that the Treasury should pay the interest and sinking fund on one-eleventh of the purchase money of tenanted land. Provisions to effect this were inserted in the Land Act of 1923,

and I do not propose to introduce a Bill to alter these provisions. The total amount which the State must find for this purpose, when land purchase under the 1923 Act is completed, will be about £60,000 per annum. Payments under this head will only mature gradually and will not approach the maximum figure during the current financial year.

**Mr. JOHNSON:** Has the Minister consulted with the Minister for Finance to find out whether even £60,000 is worth consideration, or has he taken any step leading up to it?

**Mr. HOGAN:** That question is begging the answer, if I may invert the saying.

### WRITTEN ANSWERS.

#### MULLINGAR PRE-TRUCE CLAIM.

**Mr. PATRICK W. SHAW** asked the Minister for Defence if he has decided to allow compensation to Joseph Mulkearns (Ref. No. 653/88), of Mount Street, Mullingar, who was severely wounded on December 12th, 1920, and was afterwards sentenced to 15 years' imprisonment; whether, as this man is physically unfit to earn a living, owing to disabilities contracted during active service, favourable consideration may be given to his application, which has been so long under consideration.

**General MULCAHY:** *Prima facie* it appears that Mr. Mulkearns is entitled to compensation under the Army Pensions Act, 1923, but as his case has not yet been fully investigated, I cannot say definitely. He was not wounded in action, but was badly beaten by Crown Forces. Consideration of his case will be expedited as much as possible.

#### CLAIM FOR DEPENDENT'S ALLOWANCE.

**Major BRYAN R. COOPER** asked the Minister for Defence whether his attention has been called to the claim of Mrs. Cecilia Griffin, of Dean's Grange, Blackrock, Co. Dublin, for dependent's allowance in respect of her son, No. 22580, Corporal Thomas Griffin, 44th Infantry Battalion; whether he is

aware that she was informed on March 21st, and again on September 26th, that the matter was in the hands of the Investigation Branch, and whether he will take steps to expedite the investigation.

**General MULCAHY:** Mrs. Griffin was informed on the 21st March last that her claim for dependents' allowance in respect of her son, Corporal Thomas Griffin, was under investigation. She was notified on the 27th June last that the claim was rejected. It had been found, after due investigation, that the extent of the dependence which, in the case of an unmarried soldier, is taken to be the amount normally contributed by him to his home over and above the cost (if any) of his own maintenance therein for a reasonable period prior to enlistment, was less than the minimum specified by regulations, namely, 12/- per week, before an allowance may be issued. It should be stated that the regulations in a case of this kind are based on a recognition of an obligation on the part of the soldier to contribute to the support of his dependents a reasonable portion of his army pay, this portion being calculated as 8/- per week in the case of a soldier receiving ordinary rate of pay.

On the 4th September Mrs. Griffin filled in a claim for dependents' allowance in respect of her son Martin, but in a covering letter she stated that as her son Martin did not reside with her, she therefore did not expect anything for him. She was inadvertently informed, on 26th September, that this claim was under investigation, but in view of her letter referred to the investigation of the claim was not pursued.

#### QUESTION ON ADJOURNMENT.

**Mr. P. McKENNA:** I beg to give notice that I will raise on the adjournment a question of urgent national importance, namely, the recent embargo on Irish live stock, in order to give the Minister for Agriculture an opportunity of stating to the Dáil the official position as it is at present.

**AN CEANN COMHAIRLE:** This question is to be raised on the adjournment, but not as a matter of urgent national importance.

**INTERPRETATION BILL, 1923.—  
FIRST STAGE.**

**ATTORNEY-GENERAL (Mr. H. Kennedy):** I desire to ask leave to introduce the Interpretation Bill, 1923. The title of the Bill is: "A Bill to prescribe rules for the construction of Acts of the Oireachtas and to define the meaning of certain words and expressions commonly used in such Acts, and for other purposes relating to the meaning, construction, and operation of Acts of the Oireachtas, and of instruments made under the authority thereof."

The Bill is in the nature of a draftsman's Bill, the effect of which will be to make certain definitions of terms and to facilitate the shortening of Bills and the getting rid of verbiage by having unnecessary repetitions and unnecessary definitions.

**Captain REDMOND:** Are the words "United Kingdom" included in those terms?

**ATTORNEY-GENERAL:** Wait and see

**Mr. CORISH:** Those words ought to be familiar.

Leave granted to introduce the Bill. Second stage ordered for November 22nd, 1923.

**GOVERNOR-GENERAL'S ADDRESS.****DEBATE RESUMED.**

**AN CEANN COMHAIRLE:** The motion before the Dáil was: "That the Dáil returns thanks to the Governor-General for his address and approves of the legislative programme of the Government as outlined therein," to which an amendment was proposed by Deputy Johnson: "To delete all after the word 'Address' and to substitute therefor the words, 'but while approving of the decision of Ministers to 'avoid waste and extract the utmost value from all public expenditure' (Par. 23), cannot agree to methods of retrenchment which would be detrimental to education or which would cause suffering to the aged poor.'"

**Mr. GOOD:** In the discussion that has taken place on the amendment just read out, I fear the Dáil has, to some

extent, lost sight of the object of the important statement made by the Minister for Finance. I will read the opening paragraph of that statement so as to remind the Dáil of the object which the Minister had in view in making that statement. He stated: "As we have reached the stage when the credit of Saorstát Eireann is for the first time to be put to the test of an appeal for funds to be borrowed in the open market I think it is proper that I should acquaint the Dáil with such particulars of the financial situation as will enable an accurate judgment to be formed of how we actually stand."

The Minister very rightly recognised that there was in the minds of a great many persons in the Free State some very considerable doubt as to the financial position and the financial stability of the Free State Government, and in view of the loan which he proposes to call for he thought it wise to make a statement on the whole financial situation. That statement, I think, justified the feeling that existed, and which was known to many of us in the constituencies during the recent election. I would like here to say that the Minister's very full and frank statement has done much to restore confidence and to allay that feeling. That statement has revealed a very serious financial situation. He informed us that the Budget this year would be some eighteen and a half millions short of the amount necessary to balance. Of that eighteen and a half millions he proposed to raise seventeen and a half by borrowing, and to get a further sum of one million from other sources. He further informed us that in addition to that one million there would be a debit in the coming Budget of some two millions to meet debt charges, making altogether a sum of approximately three millions, which will have to be raised. As he pointed out, there are two means by which that money may be obtained—either by increased income, on the one hand, through taxation, or reduced expenditure on the other side.

All will agree that the Minister adopted the wiser course in refusing to add to the present burden of taxation in the Free State. As he pointed out in his statement, the Free State at present

is suffering from an exceedingly high rate of taxation, much higher than that which exists in Great Britain. To add to that burden would have only helped further to kill industry and further to aggravate the serious problem of unemployment. Might I point out to the Deputies of this Dáil, in connection with this matter, the serious increase per head of the population that has occurred in this country during recent years? In 1914 it cost £2 16s. per head of the population to govern Ireland. In 1916 it had risen to £2 17s.; in 1919 to £5; and in 1923 it exceeds £10 per head. In view of these figures, few will deny the wisdom of the Minister to decide on reducing expenditure rather than adopting possibly what might be looked upon as the line of least resistance—that of increasing taxation. Now, having decided to take this course of reducing expenditure, naturally whatever particular department he decided on to make the object of his retrenchment in that department there would be considerable objection to any retrenchment. I think if exception can be taken at all to his statement and the methods he proposes, it is this, that instead of taking two isolated cases he should have allowed, or should have called for the report from that survey that he informed us he was having made of the expenses in the various departments.

Deputies will remember the statement. He says "Savings on such a scale are not possible without retrenchment over the whole field of the public services, wherever there is a discretion for applying it. A survey is accordingly at present in progress of every head of public expenditure for the purpose of ascertaining where curtailment can be affected with the least detriment to the public interest."

If exception can be taken at all to the action of the Minister I think it is to the fact that he did not get this survey before he made his statement because possibly if it could have been brought home to the minds of all the various public departments that retrenchment was absolutely necessary in the national interests, and that, all would have to bear their share in the national interests of that retrenchment he would have avoided much of the op-

position that has been raised by those two isolated sections. First of all with regard to the case of the teachers if we are to have retrenchment in public departments, as appears to be absolutely necessary, they must be treated all on the same terms. It would be obviously unfair to call on the members of the Civil Service or certain Departments to make sacrifices and to refuse to apply the same retrenchment scheme to other departments. It appears to me to be a question of all or none. When the Minister decided on a policy of retrenchment in public departments I do not see that the teachers have any real grievances. I think much the same can be said with regard to the old age pensions, because both the increases in the case of the teachers and in the rate of the old age pensions were made on the basis of the increase in the cost of living, and it is only reasonable to ask when this cost of living has come down that the increase put on to meet the increase in the cost of living should likewise come down. That is a principle, I think, which ought to be generally admitted. I think, speaking as a Deputy in the Dáil, that the figures which the Minister gave us in connection with old age pensions caused some alarm. Few of us were aware that the old age pensions in the Free State to-day amounted to such a large sum as 13.2 per cent. of the Free State Income. That, to my mind, is an exceedingly alarming figure, and one which I think needs some enquiry. I would suggest, in this connection, that there are three Departments, two of them State Departments and a third a Local Department, which might be put under one head to avoid overlapping and waste. You have old age pensions, unemployment payments, and in addition to these you have, what is in many areas a very heavy charge, the question of outdoor relief. I am quite satisfied that if we can see these three funds administered in the one Department instead of under three heads a considerable saving in the amount of waste would be effected.

Now, I come to a subject that I must say I feel to some extent responsibility in connection with:

It is the statement of the Minister

[Mr. Good.]  
with regard to grants for housing. He stated :—

“ For the purpose of facilitating the transition to that nominally, though not really lower, level of wages and prices which present conditions warrant and require, the Government, without hazarding the general pursuit of economy, are desirous that such resources as they can provide shall be applied in the most beneficial manner. Continuance of State aid to housing, which is also vital on other grounds, offers a prospect of being useful in this direction, and the Government would be prepared to formulate a suitable scheme as soon as there is evidence of a reasonable adjustment of both prices and wages in the building trade.”

That, to my mind, is a most serious and important statement, and ought to have the careful consideration of all those engaged on both sides of this large industry. What is wrong with the building industry that houses are not being built? The simple answer is, as all those engaged in the industry know, that houses are not an economic investment. Costs are too high. Wages in the Free State in the building industry are the highest in these countries. I have here a return which shows a comparison of the wages at present paid in the industry. In 1914 tradesmen in Dublin were paid 9d. an hour; the same tradesmen now receive 1s. 10½d. an hour, an increase of 150 *per cent.* In London, in 1914, tradesmen—I have taken bricklayers as an example—received 11½d.; they receive to-day 1s. 7½d, an increase of 69.5 *per cent.* Deputies will note that in the case of London, where they are paid a higher rate than in the eight great cities in Great Britain, they received 69 *per cent.* of an increase, which is practically equivalent to the increase in the cost of living over pre-war rates, as against 150 *per cent.* in Dublin. In Glasgow the increase is 80.9 *per cent.*, and in Belfast it is 111.1 *per cent.* That is in the case of tradesmen. Let us take the case of building labourers. In Dublin we are paying labourers 1s. 4d. per hour, as against 5d. in pre-war days, an increase of 220 *per cent.* In London labourers are paid 1s. 2½d.

as against 11½d. in pre-war, or an increase of 84.4 *per cent.* as against 220 *per cent.* in Dublin. In Glasgow the rate is 90 *per cent.* over pre-war, and in Belfast 166 *per cent.*, so that you see, as regards the four centres that I have taken, Dublin, in the case of tradesmen and in the case of labourers, is very much higher than any of the other centres. What is the result of that? Take a house that cost £400 in pre-war days. What is the effect of that increase of wages on that particular house? I arrive at that by adding 185 *per cent.* to £200. I am divulging what is known as a trade secret, I am afraid, in order to give you this information. It is that in making up the cost of an ordinary house building materials would practically account for one half of the cost and labour for the other half. The increase in materials at the moment is approximately 100 *per cent.*, so that if you add 185 *per cent.* to £200 you get a sum of £570, and if you add 100 *per cent.* to the other moiety of £200 you get a sum of £400. The total amounts to £970, so that on that basis a house that cost £400 in pre-war days cost £970 to-day, which, everybody will agree, is not an economic proposition, and consequently no houses are being built.

We have been told in this connection that the reduction in wages on the other side has not brought about any increase in the industry. Only last night I read a statement made by the responsible Minister for housing schemes in Great Britain. It was to the effect that at the moment more houses were in course of erection in Great Britain than at any time since 1909, so that that will, I think, refute the statement that the lowering of wages has not brought about any increase in the production of houses.

Deputies will recollect that Deputy Johnson made a strong point in connection with the position of building in Copenhagen. That was made some little time ago. I will refresh the memories of Deputy Johnson and the other Deputies by reading the statement that he then made.

**AN CEANN COMHAIRLE:** The arrangement we made yesterday was that this amendment would open the ques-

tion of economy and retrenchment. Deputy Good has gone into a subject which seems to have no connection with the amendment, no matter how one regards the amendment, and I think he is going to quote now from a speech which was made on the main question.

**Mr. GOOD:** Yes, but the whole subject is referred to, with all respect, in the matter of the statement made by the Minister for Finance, and that statement, I think all the Deputies will agree, is of such importance to all those engaged in the industry that it is necessary that the facts in connection with the industry should be made clear.

**AN CEANN COMHAIRLE:** I quite agree, but it is merely what would be the best time for having a discussion on the particular question. We were rather on the question of economy and retrenchment, and if Deputy Good's line is followed, as I should imagine it will be, by other Deputies, speaking for or against his point of view, we would have a discussion on housing, the cost of housing, and wages in the building trade, sandwiched in between speeches such as we heard yesterday dealing with the reduction of teachers' salaries and old age pensions, and making suggestions for possible economies which the Government might put into operation. I think it would be better if the discussion on housing took place after we had disposed of the amendment, and when the main question is before us. I did not like to interrupt Deputy Good at first, but as a matter of arrangement, I think it will be better if we disposed of this amendment first, and took up the question of housing and the building trade, which is a separate question, afterwards. It is merely a matter of when we take it up, and Deputy Good will not, of course, be precluded from making a speech on the general question, and bringing in the matter he is now bringing in, and others will not be precluded from following him.

I think the Dáil will agree that we are now mixing up two totally different matters in one debate. For example, I am quite sure that there will be a very elaborate reply on this ques-

tion of wages in the building trade, and a comparison with England and other places, and if that gets in between our discussion on this amendment I am afraid we will be in difficulties. I would let Deputy Good go on the main question.

**Mr. GOOD:** Well, I am finished on the main question, and really my object in intervening at all was to make the position with regard to building clear. Of course you will understand that it was referred to in the address from the Governor-General, and it was also referred to in a very pointed way in the statement made by the Minister for Finance. I think under the circumstances, however, I was justified in dealing with the matter at some length.

**AN CEANN COMHAIRLE:** I have no objection to the length of the matter at all. The Deputy will be in order on resuming on the general question, and that will give us a discussion which will be more in order at that particular time, and if the Deputy does not continue now on that matter we could postpone the consideration of it until the amendment is disposed of.

**Mr. GOOD:** I quite agree.

**Mr. MORRISSEY:** Listening to the criticism of the workers of Ireland, which has fallen from the lips of some of the Deputies of the Farmers' Party, one would be inclined to believe that their chief function here is to still lower the poor standard of living of all grades of Irish labourers. We on those benches desire the prosperity of the Irish farmers, for of course we realise that agriculture is our main industry, and that the success and efficiency of that industry is essential to the development of the resources of the nation, and we know that industrial peace is essential to the development of the resources of the nation, but you cannot have industrial peace merely by wishing that it should be.

You cannot nor, I dare say, will not have it by attempting to fling unjust discredit on the poor; by persistent condemnation and abuse of the underdog. Nobody wishes to change positions with him; nobody will if they can avoid it. The Ministry found him wretched enough and they now propose

[Mr. Morrissey.]

to increase his wretchedness by taking from him a share of the comforts given him by an alien Government. They pay repeated and eloquent lip-service to the rights and powers of Irish democracy, but the Ministry never consulted the country as to the desires of the people in reference to old age pensions. Democratic Governments appeal to their people for support on some definite programme of proposed legislation. Our Ministry made their appeal on their achievement in smashing or crushing for the time being the attempt made by an armed minority to establish supremacy in the country, and their victory at the polls does not give them the right to come forward now to weaken the prop, if I might put it so, under the old people of the country.

We are told that this blow to the poor is the result of the destructive civil war that was carried on in the country during the last 12 or 18 months, but England carried on a war at a cost of seven millions per day for four or five years, and did not cut the old age pensions. There has been a greater fall in the cost of living in England than there has been in this country, yet no Minister there would dare come forward with a proposition to cut the old age pensions because of that. The Government here sought no mandate from the people for this, and they know very well that they would get no mandate to carry out what I call this inhuman act in the name of economy.

The Government from time to time, both in the newspapers and in the Dáil, have boasted of their economies in the Post Office. How have those economies been brought about? By reducing the wages of the poorer paid officials and by dispensing with the services of auxiliary postmen and turning them adrift. I will cite one or two instances which have been brought under my notice in my own constituency. An auxiliary postman, with a wife and five children, and with 20 years' service, had his wages reduced to 11s. per week. Of course, the Postmaster-General will tell us that his work was curtailed. I admit it was, as he delivers now only on alternate days. Still

he is compelled to contribute for unemployment insurance, and notwithstanding the fact that he is idle three days in the week his work is arranged in such a way that he will not be allowed to draw any unemployment benefit. Another auxiliary postman with 40 years' service was treated in a somewhat similar way. These are some of the economies that have been carried out in the Post Office that we hear so much of.

The Government also take great credit for the big reductions they are making in the army, but they do not indicate what public works they are going to provide in order to give employment to demobilised men. These men, in most instances, have gone to join the big army of the unemployed, and the policy of the Government as regards the urgent needs of the workers seems to be a policy of ruin or drift, the end of which no man can foresee, but which, I think, every thoughtful man should look forward to with an amount of dread.

The Government during their election campaign recently did not consult the people as regards the cut which they are making in the salaries of national teachers. The national teachers are the men and the women that we used to be told were the spear-head of Sinn Féin. They were supposed to be the sponsors of the movement that led to the establishment of the Free State. The movement was called by the Government's late opponents that of the mad schoolmasters. Now, one of the first official acts of the Ministry is to reduce the teachers' salaries by 10 per cent. One feels inclined to ask when did the Minister for Finance become such a superman that he can alter and fix matters vital to the nation without the consent of the people. I might ask why the teachers, who are a respectable and intelligent body of men and women, were not consulted and asked to assist in framing economy proposals suitable to the Service before the Minister to put his cut into operation. It is my firm conviction that the credit of this country cannot be maintained by trying to fling unjust discredit on the poor, as has been sought to be done by several Deputies. We have heard and read a lot during the last few weeks



with regard to abuses in connection with old age pensions. I agree that there are abuses, and must be abuses, just as in every other service, but they have been magnified here and in the newspapers in order to cover the inhumanity of the cut.

The Minister stated that he will not hesitate to scrap other services, the maintenance of which cannot be justified. Since the Minister has seen fit to start his cuts on old age pensioners one will not be surprised if the next thing we hear is that the Minister is going to try the pruning knife on the dole, and to leave the unemployed on compulsory hunger strike, for want of food. We, on these benches, would like to get an assurance from the Minister that it is not his intention, if I might put it so, to steal all the eggs from the Labour hen-roosts.

**Mr. THOMAS NAGLE:** I want to support the amendment of Deputy Johnson. In doing so, I would like to draw particular attention to 4 o'clock. the old age pensions cut.

There were some statements made by Deputies regarding the reasonableness of this cut that I wish to refer to. The Minister for Agriculture and Deputy Good stated that when the old age pension was increased to 10/- it was on the basis of the cost of living, and that as the cost of living had since gone down, the Government were more than reasonable in only reducing the pension by 10 per cent. The Minister for Agriculture congratulated Deputy Johnson on his mathematics. I am sorry that I cannot congratulate the Minister on his mathematics. If, as he admitted, the cost of living was 120 per cent. above the 1914 level when the 10/- was fixed, then the figure was certainly not fixed on the basis of the increased cost of living, as I have yet to learn that 10/- is 120 per cent. over 5/-. I would also like to point out that before the cost of living went down below that figure—

**Mr. HOGAN:** On a point of explanation, what I did say was, that the old age pension was increased at that date because of the increase in the cost of living, and must have had some relationship to it. That is what I said.

**Mr. NAGLE:** I accept your explanation, but I suggest the relationship is very distant—something in the nature of a thirty-first cousin. The Minister for Finance mentioned that the pension remained at 10/- when the cost of living figure was 176 per cent. above the pre-war figure. "Judged in this light alone," he said, "it is manifest that a fall in the cost of living index figure to the present level of 80 per cent. above pre-war makes a *prima facie* case for substantial reduction of the pension." The way I would reason that out would be, instead of reducing the old age pension now, if it ever had to be reduced, or if it was considered reasonable to reduce it in proportion to the cost of living, that the Government should at least allow it to stand for such a period after the cost of living had gone down as would make up for the money that the pensioners did not get, but should have got, during the period when the cost of living was mounting from 100 per cent. pre-war to 176 per cent. which it arrived at in November, 1920. The Minister for Agriculture suggested that Deputy Johnson might ask the Government to increase it as from 1908 to 1914. I think that at least it should have been increased, specially if you are going to settle everything on the cost of living basis, during the period when the cost of living went above 100 points over the 1914 level. I am supporting this amendment because I object to wage reductions in any case, and also because I object generally to the statement made by the Minister for Finance. The reason I object to that statement is because the Minister for Finance and other Deputies who spoke appear to have no other remedy for the industrial situation, and for the general economic needs of the country than a reduction of wages. They do not appear to bother their heads in the least about attempting to reduce the profits, that we all know have been made in this country during the past few years.

Let us see from his own statement the difference between people who draw interest, say, and the people who earn wages. The Minister made a statement to the effect that perhaps a million and a quarter would be spent on the improvement and repair of roads during

[Mr. Nagle.]  
the next eighteen months. Further on in his speech he said:

"It is an essential feature of these schemes that they cannot be initiated until definite recognition is given to the fact that the Government, in the financial and economic interests of the country, cannot consent to allow them to be conducted in a manner that would raise or keep prices or wages above the nominal level at which they should fairly stand at the present time."

I presume the phrase "nominal level at which they should fairly stand" is to be in proportion to the present cost of living figures, as compared with 1914. There is another reference in the Minister's speech to which I take great exception, and this, in conjunction with what he had previously said, states the whole case. Talking about the loan, the Minister said:

"The loan that we are about to issue will, in accordance with the recent Appreciation Act, have the absolute security of the Central Fund of Saorstát Éireann, and, the charge in favour of the stockholders will, therefore, secure their rights in priority to any of the demands made on the Exchequer for the ordinary public services of the State. In addition to being an entirely gilt-edged security, the loan will possess for subscribers the advantage of giving a yield which, as this is our first venture on the open market, must necessarily be somewhat more favourable than that obtainable in other investments of like standing."

Later in his speech the Minister said: "Next to this source the realisation of investments at present held in Government and other securities abroad is likely to be of the most service both to the State and to the investor, who will obtain by the exchange a higher income and at least equal security." [Official Report, Column 675-7, Nov. 2nd, 1923.]

Deputy Cooper, in talking yesterday about the teachers, gave a quotation from a recent meeting in Dublin attended by members of the National Teachers' Organisation. He stated that one of the teachers threatened that they would advise the parents of the children in their charge to refuse to subscribe to the loan, and he wanted to know was that a patriotic thing to do,

and suggested that it was a peculiar kind of patriotism. Certainly the Minister has not got very much faith in the patriotism of the people who have money to invest in this country when he thinks he can only get that money by offering to them a higher rate of interest than they could get otherwise, or in other countries for money they have to invest. I suggest that the reduction in the teachers' salaries, and in the allowance to old age pensioners, will be merely taking money from these people to give an increased rate of interest to people in the country whom the Government expect will invest money in their loan. That, generally, is the reason why I object to the proposed cuts. I say that the Government is just falling into line with the employers, generally, in this country, in their attack on wages. The policy seems to be that if anything goes wrong, blame the people who work for wages; if any economies are to be effected, reduce the wages of the people who are compelled to work for a wage irrespective of whether the things which they produce are dear because of their wages, or because of the profits that the employers are making in the sale of those goods. I do not know if I am in order in referring to a debate which took place a fortnight ago. Deputy Woulfe on that occasion, in talking about unemployment, referred to housing and road-making.

**AN CEANN COMHAIRLE:** We have just decided that we will take the housing question later on.

**Mr. NAGLE:** I was only just going to call attention to what Deputy Woulfe said on that occasion. He mentioned about houses being dear in the past, and that they had been built for people who lived in rural Ireland and who could not afford to pay an economic rent for them. He stated that the tenants paid a rent of a shilling a week, and that the difference had to be made good out of the rates. I suggest that the people who live in these houses, for which an economic rent has not been paid in the past, could only pay a shilling a week because of the fact that their wages were so miserably low. If houses have to be

built at an economic rent the people who are going to live in them, and pay rent for them, certainly should have a wage sufficient to meet that cost, the same as every other cost. The old age pension is going to be reduced to 9/- a week. There is a tendency in this country, as well as in England and in nearly every country in the world, to reduce wages to freezing point, and even below it. That is put forward as a remedy for all the ills under which we are suffering at the present day. I can understand the employers putting that forward as a remedy because there was a noted writer on economics who mentioned that employers knew everything about their business except the reason for which their business existed. We are driving down, though Deputy Cooper said the other day we were not, to the Coolie level. He said that there was one thing the dockers' employers in Dublin did not do, and that was to import Coolie labour. Another Deputy, I think it was Deputy Egan, in talking about the standard of luxury, as differentiated from the standard of living, said, or suggested, that the workers should never attend picture houses, that they should not have a flutter on the "gee-gees," that they should never attend a coursing meeting, and that they should not drink any of Guinness's porter.

**Mr. EGAN:** On a point of order, I did not say that.

**Mr. NAGLE:** The Deputy suggested it in his speech which is here in the Official Report, but he may not agree with my peculiar way of quoting from his speech. The Deputy made reference to the standard of luxury in the country, and went on to blame the workers for not refraining from attending picture houses in order that they would be able to work for lesser wages.

**AN CEANN COMHAIRLE:** The Deputy is now going into the general question. I think he ought to leave that over until we come to the debate on the general question.

**Mr. NAGLE:** Would I not then be precluded?

**AN CEANN COMHAIRLE:** No.

**Mr. NAGLE:** Very well. I suggest, Vol. 5.

as a solution of the whole problem, that the teachers should work for nothing, that the old age pensioners should not want any pensions; and that the people should not want to live in houses, I suppose that would solve the housing problem. Tradesmen engaged in the production of houses should also work for nothing, and then there would be nothing but profit for the building contractor, and profit for the builders' suppliers.

**AN CEANN COMHAIRLE:** The Deputy must conclude now.

**Mr. O'MAHONY:** There is one point upon which all Deputies must agree, and that is that the Minister for Finance has to balance his Budget. He can only have a healthy balance if his income is equal to, or greater than, his expenditure. Unfortunately, the statement made by the Minister for Finance shows that this year there will be a substantial balance of over a million on the wrong side of his ledger. Next year he will have a further increased balance on recurrent expenditure of an additional two millions to float the loan to enable the State to carry on. Where are these three millions of money to come from? Is it, as Deputy Johnson said, to be the result of increased taxation—increased taxation in a country that is already groaning under excessive taxation and prohibitive rates. Local rates and governmental taxation, if increased, are going to crush out the remaining element of fiscal life in this country. Therefore, there is only one alternative for the Minister for Finance, and that is to economise. Economy is absolutely essential if you are going to maintain the country in a sound financial position, and if you are going to get the people and the banks in the country to back your loan. If you are to go on the policy of spend, spend, spend, and increase taxation to meet your increased expenditure, the time will come, and come very surely, when you will have no money for old age pensions or for teachers, or for labour, or for unemployment or anything else. Like Othello, your occupation as a nation will be gone. Nobody in this Dáil, either on the Government Benches or any other benches, views with satisfaction the proposal to reduce the

[Mr. O'Mahony.]

amount granted to the old age pensioners, or to reduce the teachers' salaries, but I say it is a case of Hobson's choice with the Minister for Finance who has to find the money to balance his Budget, and he proposes to find it in the only way that will recommend itself in the existing circumstances in this country to level-headed people.

Now, objection has been taken to his proposals on the ground that he proposes to economise slightly at the expense of the old age pensioners and the National teachers. Some Deputies who criticised the Minister on this point evidently read his statement in this Dáil very closely, but there are none so blind as those who will not see. They evidently conveniently close their eyes to that portion of the Minister's statement that did not fit in with the views that they expound in this Dáil. The Minister asked what could the Government do to bridge this gap of several millions that he found in his Budget. The obvious alternatives, he told us, were higher taxes or lower public expenditure, or partly one and partly the other. He said it was unnecessary for him to dilate upon the evils of high taxation. We all recognise that taxation has reached breaking point in this country, and that it will be safe to go no further. What we all anticipate, and what we all hope will result from the measure taken by the Minister, is that from the overdue reduction in our high taxation we will have some benefit out of it in the near future. Did the Minister suggest that he was going to confine his cuts to these two particular services? By no means. He pointed out that these two services accounted for nearly 50 per cent. of the recurrent national expenditure. And what do the two cuts amount to?

To something like £650,000. That is to say, £650,000 in a case, in which he has to face, if not this year, at any rate next year, a shortage of three millions in the National Exchequer. Now, £650,000 is less than one-third of the amount of economies or monies that the Minister for Finance must find next year. That is spread over one-half, or nearly one-half, of the National In-

come. Therefore, it is up to the Minister, in some way or another, on the remaining portion of the National Income, to find the remaining two-thirds of his shortage. What does he say with respect to that? "It is proposed, accordingly, to aim at securing forthwith substantial savings throughout the public services, distributing the inevitable sacrifices as fairly as circumstances permit." As far as I can see, the only objection that could be taken to the action of the Minister is, that he has associated with two definite services, the expenditure on which is more definite than with respect to other services, a definite cut in each case. In the case of the other services he has, as anybody can understand, to go into the personnel of these services, to see whether they are over-staffed, and, if so, to what extent he can reduce the staff, and to see whether it can be possible to increase the hours of service given by the existing staff, and thereby still further reduce the staff, and to see what extent the present salaries and emoluments associated with these bodies are warranted. That, of course, is not a matter that a Minister who has only recently been appointed to his position could deal with thoroughly. I say it was a better and a sounder policy on the part of the Minister to wait until he got reliable statistics for these several Departments, rather than put before the Dáil an ill-considered return concerning them. Had he done so, and found that he made an under-estimate, we would all be up in arms condemning and criticising the Minister later on.

I am not going to deal with the question of housing or wages and all that. I intend later on when the general debate is resumed, to address myself to these questions. We had a good deal of criticism here. As the Minister for Agriculture pointed out last evening, the Deputy, criticising the Minister for Finance, offered no substantial suggestion as to how he could meet the deficit he is faced with. Deputy Johnson suggested increased taxation or tariff on imported manufactured articles. Well, tariff on imported manufactured articles is a very delicate question, requiring a good deal of consideration, because it may result in robbing Peter,

in the country, in order to pay Paul, his neighbour. From the National point of view, that is a very dangerous policy to pursue until you closely consider the question in all its bearings; there is no use in taxing imported manufactured articles which this country does not produce, and which it could not produce by reason of the encouragement the taxes would give the native manufacturer. Because you are then only transferring to the consumer the taxes which the Government pockets.

That is a bad policy, because it hides from the people that they are paying these taxes. It is not as evident as when you are paying direct taxes. The Minister has been blamed and the Executive Council has been blamed for imposing these cuts on two bodies, two sections of the people, the teachers and pensioners. These are two sections that we all, if we could, would relieve from the cut, if the financial position enabled us to do so. Who is the Minister for Finance in this case? The Minister for Finance is Deputy, or President, de Valera. The Minister for Finance is paying for the destruction that de Valera's dupes committed during the last eighteen months in the country. It is the voice of the Minister for Finance that is demanding the reduction, but it was the other that caused the destruction that has now to be paid for, destruction that imposes on this Dáil a necessity for making radical reductions in these two Services as in every other Service in the country, as will be developed when the Minister has his complete returns before him. There was one point that Deputy Johnson made, and it was a bit illogical on his part. He said that we, in this country, should not emulate British expenditure. He said that we should emulate British economy. But he did not suggest, when speaking in the Dáil a short time ago, that we should emulate the economy in the case of wages that the English worker and the English employer were compelled to adopt in view of foreign competition. That is all I am going to say on that matter for the time.

Deputies are concerned about this road expenditure. Well, I hardly think it has any association with the Resolution before the Dáil, and I shall, there-

fore, defer my remarks with reference to the proposed cut in connection with it, until such time as we debate the general issue. Deputy Redmond made a reference to Civil Servants whose services are being dispensed with, and his references, unintentionally, I know, would convey a wrong impression to the Dáil and a wrong impression to the public. These Civil Servants exercised the rights that they were entitled to under the Treaty. The Treaty gave them the privilege of retiring, and they exercised that right. That right might not have been exercised as generally as it was, only for the general unrest that was in the country, and I suppose they thought they would make hay while the sun shone. Now suggestions are being made to reduce existing Civil Servants. As I understand, the Civil Servants who are being handed over by the British Government, under the terms of the Treaty, are assured of all the privileges, all the salaries and emoluments and all that they would have enjoyed if the British Government had continued to function in this country. Therefore it would be a dangerous policy to interfere in any way with these public servants, because that may have the result that Deputy Redmond regrets, of making these also resign their positions.

That would necessitate the appointment of others to replace them, so that instead of resulting in a national saving, it would only impose upon us considerable additional national expenditure.

As regards the Civil Servants, the suggestion is that no reduction has been made with respect to them. Anyone reading the speech of the Minister for Finance will find that he says the Civil Servants, whose salary at the end of 1920 was between £150 and £500 a year, have suffered a reduction varying from 30 per cent. at the lower salary, to 25 per cent. at the higher salary, so that these public servants, long before the cuts intended to be made came into operation, have suffered a reduction in their salaries at least equal to, and possibly substantially more than, it is proposed to make with respect either to the Teachers or the old age pensioners. The analytical figures were so effectively gone into by the Minister for

[Mr. O'Mahony.]

Agriculture that I am not going to trouble dealing with them. He showed clearly, taking into account the cost of living now as compared with the cost of living when pensions were fixed, that no hardship could result from the cut. I deprecate the cut on these people. I really believe if we could apply ourselves effectively to the abuses that no doubt exist in association with the Old age pensions, we would bring about a considerable saving. People having a substantial amount of land, fairly well stocked, for no other purpose—

**Mr. GOREY:** And Bank accounts made out of buildings.

**Mr. O'MAHONY:**—than to evade not alone their legal obligations, but their moral obligations, made over those lands in favour of their children, and the children refused the natural right that always in the past was jealously regarded by the Irish child, no matter how poor that child might be, of making suitable provision for the parents. I think, when the details of abuses in connection with the old age pensions are gone into, it will be quite possible to discover deserving cases; undoubtedly there is a large number of deserving cases. We ought to hesitate taking 1/- or anything from them. When the whole question is gone into, I think it will be found that none of the deserving cases need be made suffer. I hope the Minister will make provision for such cases and will clearly establish that relief will be given and provided.

**Mr. GOREY:** That is worth 200 votes.

**Mr. O'MAHONY:** As regards the teachers, we all know that in the pre-war days the teaching body was entirely underpaid; but we have a statement made here; that statement has not been controverted, and if it were open to challenge, I am sure Deputy O'Connell would have challenged it. That statement was that the salaries of the teachers have been increased from 3 to 3½ times the pre-war standard. Now, if we take the middle figure of 3¼ times, and if you take 10 per cent. off that, it will leave you with something like £295, as compared with a salary of £100 pre-war. Surely, taking into account the cost of living and the legitimate in-

crease in salary that the teachers were undoubtedly entitled to, this £295, as compared with the pre-war salary of £100, leaves us sufficient margin not alone to pay for the increased cost of living but to provide for a decent increase in what everybody was satisfied were absolutely inadequate pre-war salaries?

**Mr. O'CONNELL:** Provide for a decent cut.

**Mr. O'MAHONY:** With the idea pervading the amendment, nobody could take exception. That is, nobody would like to make a cut upon, in the one case, an essential service, and in the other case, a deserving body amongst the old and the poor classes of the country. But "Where needs will the devil drives." We are compelled to, and we must, make ends meet. We must balance the books. No Deputy has shown that the Minister can effectively do so by any other means than by making an all-round cut, not a cut confined to those two particular instances, but an all-round cut that, I believe, when the personnel of the different staffs is investigated and the reduction of salaries considered, will represent substantially a much bigger percentage than is concerned in these two cases.

Reference has been made to the Army. I should like to see the Army at a considerably reduced figure from that which the Minister for Defence anticipates will be the case at the end of the financial year. At the same time, owing to our experience in the last 12 or 18 months, we must hasten slowly. As long as it is necessary to keep an Army in being to secure the legitimate protection that the citizen is entitled to, then the duty is cast upon the Minister of doing so; but I would make some appeal to him, as has been made by other Deputies, and that is to consider whether the officers' establishment is not too large in proportion to the establishment of men, and whether substantial reductions might not be effected also in the salaries of the higher grades as compared with the lower grades in the Army. If we are going to economise, let us economise all round. Let us economise in every direction in which economy, consistent with efficiency, is possible. I am certain that

neither teachers, pensioners, Civil Servants, nor any section of the public life of the country will feel dissatisfied if they find that the axe of economy is generally and equitably distributed.

**PADRAIG Ó h-OGÁIN:** An rud a bhí le rádh agam tá se ráite cheanna. Is doigh liom gur mhór an truagh gan iarracht mór a dhéanamh chun stóp do chur leis an bhfeall atá ceapaithe. Caithimid admháil go ndearn na muinteoiri naisiúnta obair mór ar son na tíre. Do dheineadar a ndícheall chun an Gaoluinn d'ath-bheochaint, agus cuirim an ceist ar Aire um Airgead "An bhfuil aon dream eile againn a dhein níos mó oibre ar son teagain na tíre ná na muinteoiri naisiúnta?"

When the grip of the foreigner was relaxed on the throat of the nation some of us imagined that the bloom of health would colour the face of the country, and that those who were charged with the administration of the essential restoratives would see that those restoratives were applied in proper proportions and in a proper manner. If I judge rightly, education is one of the most essential restoratives the country needs—that is real national education—and anybody who has been in close contact with the country's happenings will admit that the national teachers have done more to save the national life of the country than any other body of citizens. I put the question directly to the Minister for Finance. Can he mention any body of citizens who did more for the Irish language or from whom we can expect more for the salvation of the Irish language than the national teachers? Under foreign and alien administration they did excellent work, and it would seem to be a new standard of justice were we to continue the penal regulations they suffered from in the past. I have seen in several cases that the Minister for Finance is keenly interested in this, and I believe honestly he is. I ask him is it a proper way to induce those people to give effect to that hope he has expressed so often for the salvation of the national language of the country inadequately to recognise and scantily to appreciate the

services the teachers are likely to give in the future. Several of the speakers yesterday did not take this into account at all, and Deputy Bryan Cooper seemed to confuse motion with progress. They are two entirely different things. If he gave any serious thought to the progressive programme of the national schools of this country, and if he gave any thought to the progressive methods of teaching expected from teachers, he would admit that progressive salaries would be more in the nature of things than reduced ones.

Progress is a natural growth; pruning and dwarfing are artificial introductions. I suggest as we have progressive programmes of education and teaching, progressive salaries should be the rule. Deputy Redmond endeavoured to make a suggestion to the Government regarding one service that might possibly help the Minister for Finance to bridge over the chasm in his budget. I will endeavour to make another. I have here a demand signed by 30,000 people, men and women in the constituency which the Minister for Education is representing, demanding that certain retrenchments be made in certain directions, and they demand that avenue to be travelled before any other avenue in Government expenditure. They demand that the expenditure of £20,000 or £30,000 per week entailed in keeping in the political prisoners be done away with and that it should go into the Government Exchequer to relieve the deficit. That is a demand which I would recommend for the consideration of the Government, and particularly for that of the Minister for Education. Deputy Gorey would have us think that the teachers in the country are living in Paradise, and that their economic conditions are different from those in cities or towns. I do not know whether Deputy Gorey thinks there are any teachers living in the cities or towns. I suggest there are thousands. I also suggest he is fighting with glass when he uses that argument. The Minister for Agriculture should take note that the farmer is a country dweller and also participates in the economic advantages the teachers of the country have and in striking a flat rate on income the Minister for Finance should take that into account.

**Mr. GOREY:** Hear, hear.

**Mr. HOGAN:** I am glad to hear Deputy Gorey say "Hear, hear." It puts him in the position that he admits he suffers less, and, therefore, should be penalised. He tells us that teachers in the country marry, and, therefore, double their incomes. I wonder do the farmers in the country marry and thereby increase their income. Regarding the old age pensions, it is difficult to see why this was singled out except that the Minister, having struck at the youth of the country, thinks, to be consistent, he ought to strike at the aged. In that I compliment him for his consistency. It has been proved we owe money to the old age pensioners, because when the cost of living went up, the rate of pensions did not go up accordingly. I am going to ask who fixed the rate by which we calculated what the standard of living was in 1908. Who said 5/- in 1908 was any standard of living? Who said 10/- a week is any standard of living at all now? It would be more decent and honest for the Government to say that it is because they have the power to make those cuts that they do so. Their basic principle is that they have the power to do it, and it would be more honest for them to tell us that that is the principle they are working on, and not that they are working on principles of justice and consideration.

**Mr. WILSON:** I did not intend to rise again in connection with this matter as we defined ourselves. I think, very clearly in the speech of Deputy Gorey yesterday. We look upon the reduction of old age pensions with regret. We look upon it in the light of a necessity. We are sorry that the necessity arises, but where the necessity arises we realise that we must do justice. The figures quoted by the Minister for Agriculture yesterday place it beyond any or any that a reduction of 1s. from 10s. leaves the old age pensioners in a better position than they were two years ago. I will not deal with the aspect of the subject concerning teachers or old age pensioners.

vernment borrowing so largely on bills from the banks, the farmers in this country are getting restricted credit and thereby are placed in sore straits. Heretofore, or at least in the time of inflation, everybody knows that the farmers sold their farms at high prices, but immediately bought new ones and went to the bank and got a mortgage. The banks were then glad to get the custom of the farmers, but now they find it more profitable to lend money to the State on short term loans. They are thus restricting the credit of the country and placing these men in jeopardy. They are forcing them to sell their stock to reduce their liability, and they are reducing the number of people who would be able to buy this stock by reason of the restriction on credit. I hope the Minister for Finance will bear in mind what the British Government did a few years ago under Lloyd George when they made preparation for this deflation and adopted a system by which the farmers were given long term advances by the State to enable them to weather the difficulties so as not to be placed on the roadside. The reduction in the teachers' salaries has been spoken of as a weapon which is going to destroy education in Ireland. I would be long sorry to think that our 15,000 schoolmasters and schoolmistresses are so wanting in civic ideas and patriotism that because of a reduction by a small amount in their salaries they are going to be rendered useless and, in revenge, will neglect their duties.

**Mr. O'CONNELL:** Who said that?

**Mr. WILSON:** Nobody specifically mentioned it, but that is the underlying principle on which the matter has been debated here. We are told that these men have done so and so, and now they are to be repaid by being reduced in their salaries, and because of that reduction they will neglect their work. I realise that it is a hardship for any man to be reduced, and I think that those who have twenty years' service and who have only £300 a year are not suitable subjects for reduction, but



fit subjects for reduction than married men with twenty years' service who are compelled to live on £300 a year reduced by 10 per cent. I just want to refer shortly to the statement of one Labour Deputy. He spoke of the Farmer Deputies pressing on the under dog and that they as a body were always throwing discredit on the workers of Ireland, particularly, I suppose, the agricultural labourers. There is nobody who examines the subject but will find that the agricultural labourer in Ireland is worthy of as much pay as we can afford to give him. We recognise that while wages in England have been considerably reduced and that while the farmers there are quite close to the markets, the prices we are paying ought to be higher than the standard set in England. We recognise that the labourers in the past have stood by us in our difficulties, and that it is only by direction of their leaders in the cities that the line of cleavage has taken place. Their prosperity and ours are interwoven. Anything we say here must not be taken as if we intended to crush them or interfere with their prosperity. I see readily where the complaint is made. In the agricultural industry we support our unemployed, but why should labourers on the land getting 30s. a week be obliged to contribute to the Central Fund in tobacco, beer, and sugar in order to give the men in the cities 30s. a week for doing nothing, while the agricultural labourer is working as hard as he can for the same money. They are being used by the city dwellers to their own disadvantage. Their interests are interwoven with those of the farmers, and the farmers and the labourers, if they understood each other rightly, would be in a position to call the tune here and make laws for the prosperity of both.

**Mr. JOHNSON:** The labourers have long memories.

**Mr. CONNOR HOGAN:** With the exception of Deputy Johnson and his followers and those whose cries fill the columns of the yellow Press, I believe the country will endorse just as strongly as this Dáil, the proposal contained in the statement of the Minister for Finance. I refer not alone to the

concrete proposals which he outlined, but to the more shadowy reforms which he promised would be initiated. A good deal of ink has been spilled over these two questions for the past fortnight, and the only argument that I could see in the public Press on behalf of the teachers was that if a teacher lost 10 per cent of his salary he could not meet his pupils in the morning with a smiling face. With such a state of mind it is almost impossible to argue. We say to them let them have a heart, and when they take heart let them realise what the situation demands.

Let them realise that the deficit facing the Minister for Finance is the outstanding question, and that 5 o'clock, the nation as a whole, and every individual composing that nation, must bear a share of the sacrifice in righting the situation. A good deal was said about broken treaties and the sanctity of engagements. I wonder if those people realise that time and time again when agreements were entered into they immediately started agitations requesting advances in pay. What are the arguments put forward on their behalf? That it was impossible to work for the wages they received. Let us understand the reverse of the process. Suppose the State finds it impossible to pay them, must they be bound by the hard terms of a bad bargain? I need not remark, surely, that the teachers would be bound by the terms of what they would regard as a bad bargain. For instance, if the currency was inflated from an economic collapse, does any Deputy believe that the teachers would not immediately demand increments to keep pace with the cost of living? They certainly would. Similarly, the State, in the interests of the people, and of its very existence as a civilised nation, must, in view of the dreadful deficit we are faced with, urge economy all round. There is no particular animosity against the teachers; they have not been victims, nor have they been singled out in this matter. There must be an all-round reduction in the case of every person drawing public money.

**Mr. DAVIN:** What about the Governor-General?

**Mr. CONNOR HOGAN:** I cannot speak on behalf of the Governor-General. That is a question for the Minister. As Deputy Wilson pointed out, we very much regret that it is necessary to cut the old age pensions, but the same argument that I have advanced applies to this case, that it is necessary, in the interest of national solvency, to have this cut. Deputy Johnson threw down a challenge yesterday when he said that no candidate went up for election on a campaign of economy. I am in the unhappy position of having to reply in the affirmative. I did, and I certainly will vote for the proposals put forward by the Minister for Finance, and against the amendment, because I feel that it is necessary, in the interests of the nation, that these economies should come into operation forthwith, and I realise perfectly well that if we do not economise now there will not be a shilling to give any man in a year's time.

**Mr. O'CONNELL:** The Minister for Agriculture spoke yesterday, and as is always the case, when he speaks, we had an interesting address. He is an adept at making a good speech when he has a good case, and vice versa. He told us, at the outset, that he would vote for this amendment. I hope he will remember that when the Division comes.

**MINISTER FOR AGRICULTURE (Mr. P. Hogan):** Possibly Deputy O'Connell's speech would compel me to change my mind.

**Mr. O'CONNELL:** It might be well that the Dáil, at this stage, should be reminded of what the amendment is. It is:

To delete all the words after the word "address," and to substitute therefor the words "but while approving of the decision of Ministers to 'avoid waste, and extract the utmost value from all public expenditure,' cannot agree to methods of retrenchments which would be detrimental to education, or which would cause suffering to the aged poor."

Of course, I take it that those who vote against the amendment are thereby saying that they can agree to such methods. However, the question is, and

I hope that the Minister for Agriculture, before he finally makes up his mind, will make enquiries, say, from the Minister for Education, or such Deputies as Deputy Professor Magennis, Deputy Lynch, Deputy McCabe, and those who have an expert knowledge of this question, as to whether or not the proposed action announced by the Minister for Finance will in fact be detrimental to education. He himself made no attempt to show that it would not; neither has anybody who has spoken on behalf of the proposal. The Minister for Agriculture scoffs at the idea of describing these proposals as in any way autocratic. They are, in his opinion, the essence of democracy. It is perhaps not unreasonable to think that a Minister who has such a love for rough and ready methods of administration, should be pleased with the method adopted in this case. He tells us that it is quite right, that these proposals have been given to the Dáil, and it is for the Dáil to accept or reject them. But perhaps the Minister does not know that at this very moment, before the Dáil has accepted or rejected, or expressed any opinion whatsoever on the proposals, the actual cut, so far as national teachers are concerned, is in operation. That is an undoubted fact. I would ask the Minister for Finance to correct me if I am wrong. The Minister for Agriculture, and most of the other speakers, referred to more cuts. The Minister for Agriculture repeated it; so did Deputy O'Mahony and other Deputies, but up to the present we have no indication whatsoever, nothing beyond mere general promises as to what these cuts are to be.

We are to have a survey, an examination of the position, to see where cuts can be made. There was no survey into education; there was no survey into the position of the old age pensioners. When this survey is finally made, if it is to be made, shall we get an assurance from the Minister that the cuts will take effect from the same date as the cuts from the old age pensioners become effective, or the cuts in the teachers' salaries become effective? The Minister for Finance, in spite of what the Minister for Agriculture has said earlier, told us that these cuts were not made because of a fall in the

cost of living. They were made in order to reduce expenditure on public services, and it is not unreasonable to ask why two services should be singled out to be the first, without any guarantee whatsoever, except mere vague promises, that cuts would take place in any other direction in the Government.

I agree with Deputy Good and Deputy O'Mahony, who, I think, said that if there is to be an effort to reduce expenditure, and if sacrifices must be made, then they should be made and borne equally by all. We have no intimation from the Minister for Finance or any other member of the Government as to what the intention is with regard to any other public servants. There is no intimation that the basic salary of any Civil Servant will be reduced, and that those servants who appear in the Estimates as having inclusive salaries will be reduced, or that the Civic Guard, or D.M.P., State Solicitors, Under Sheriffs, and Clerks of the Peace, and other public servants will be reduced. Only one body of public servants is specially singled out for reduction, and in my humble opinion, and the opinion of a great many others, that is the service that should be the last to be singled out. National teachers, as I have always stated, and will continue to state, are not grumbling, and will not grumble, at having to bear their fair share of any sacrifices to be made by the nation, as a whole, but they object, and in my opinion rightly, to be specially singled out in the first instance before there is any more than a mere general intimation that we are going to have all round cuts in the public services. Until we have definite statements as to what other servants are to have their incomes reduced, this general talk of economy and all round retrenchment is so much eye-wash. One would have imagined that the Minister, in his attempts to balance his accounts, would have said that all the Departments of State would have to bear a certain percentage and that the course he would take, and it would have been the wise course in my judgment, should be to go to all the Departments and say, "We want ten per cent. off the expenditure of this particular Department."

If that were said to the Department of Education, and that Department were compelled to reduce its expenditure by ten per cent., I have not the slightest doubt whatever that the teachers would co-operate with the Ministry of Education in effecting that reduction. The Minister for Agriculture taunted Deputy Johnson with having only one constructive proposal to put forward. I listened closely to the Minister for his constructive suggestions, and the only one I could gather was a request to Deputy Johnson to reduce the cost of living. The Minister has strange ideas of the responsibility that should attach to a Government. Bread is a very important item in the cost of living. How, might I ask, would Deputy Johnson proceed to reduce the cost of bread, for instance. He might, perhaps, ask the workers to work for nothing, and thus reduce the cost of the loaf by something about one halfpenny. How would he reduce the cost of meat? How would he see that the farmer and producer got a fair share of the price which the consumer has to pay for the meat? These are things which it is the duty of the Government, who have the responsibility in the matter, to look into, and surely it is not very helpful or constructive on the part of the Minister for Agriculture to attempt to throw his responsibility on other people. They have not made any great progress in putting into operation even the small recommendations of the Commission which they set up a few months ago. We are waiting still for the result of their efforts in that direction. To tackle the profiteers and profiteering would probably be too troublesome a problem. It is much easier, of course, to look at the total sum paid for old age pensions and education, and simply divide it by ten, and say "We are going to save this amount."

Deputy Cooper, in the course of his speech, said a lot was being said with regard to the agreement, and that a great deal of importance was being attached to it, and that is perfectly true. In my opinion the discontent caused by the announcement made by the Minister for Finance amongst the teaching body is not so much at the actual loss of the £30 or £40 per annum as with the

[Mr. O'Connell.]

method adopted by the Minister for Finance, in view of the solemn agreement entered into. Deputy Cooper was labouring under a misapprehension when he spoke of teachers breaking previous agreements. That is not so, and the quotation made by Deputy Cooper had to do with an altogether different thing, as the Minister for Finance can probably tell. The Minister for Finance should be very well informed in these matters, because the principal officers of his Department were in the British Treasury Department at the time these agreements were come to. One of the matters dealt with was purely temporary bonuses, which were revised after short periods by the same Board which entered into the agreements, and which contained a special provision by which this revision should be made. I want to emphasise the point that only one agreement was entered into at any time with regard to a permanent scale of salary, and this is the agreement which I have here, and which the National teachers are speaking of when they refer to a solemn agreement being broken.

The Civil Service Arbitration Board, which adjudicated on this particular claim and pronounced judgment on it, are exactly the same body who adjudicated on the claim of the Civil Servants. The Civil Servants are engaged under the terms of the agreement arrived at by that Arbitration Board, and the Government has not departed one iota from the terms of that agreement in their treatment of Civil Servants. Not only have the Government kept the agreement in the letter, but in the spirit, for if they had kept it in the letter alone Civil Servants would now be paid according to the British cost of living figure. This agreement entered into on that occasion is not at all confined to salary scales. As I pointed out on a previous occasion, it is a very comprehensive agreement, and deals with conditions of service, and are we to take it now that the teachers are no longer bound by that agreement?

It abrogated many of the rules which were in force until that agreement was signed. Are we to understand now

that one portion of the agreement may be disregarded while the other portions must be strictly kept by the teachers? It is not a question merely of figures of salary that is involved in this matter. It is a question of the whole of the conditions of service. Much has been made out of the fact that this agreement was entered into at a time when the cost of living was near its highest point, but the salaries only came into full operation in April, 1922. Surely if this agreement had any relation to the cost of living the peak point of the salaries would have been paid at the time when the cost of living was at its highest. The teachers bartered away at that time immediate gain. They could have got, if they insisted, the same terms exactly as the civil service got. They could have got a very much higher increase at that particular time than they did get in actual practice, but they bartered away immediate gain for stability and permanency, and now that permanency is being taken from them, so that they have neither end of the stick.

This agreement, for instance, contains provisions under which salaries can be reduced in certain conditions. The average attendance at school may go below a certain figure, and the teacher has no control over that. Down goes his salary to the extent of £70 or £80. If he writes to the Department of Education to complain, the agreement is quoted for him. If he writes again protesting he will be told that his own representatives signed that agreement, and his mouth is effectually closed.

The Minister for Finance feels that this agreement and those conditions do not bind him in any way. I am not surprised that he holds that view after listening to what he had to say yesterday, speaking on another matter with regard to what he called paper safeguards. He has no regard whatsoever for paper safeguards. I just took a note of what he said at the time. He said there used to be a lot of talk about paper safeguards, but when there were no paper safeguards it was found that we were, perhaps, just as well off then as now. I can only say that is an extraordinarily strange doctrine coming from a representative of a Government

which pins its faith and the country's faith to an agreement or document that was signed some two years ago in consequence of and by virtue of which we are all here. If a paper agreement can only be regarded as a scrap of paper when either party to the agreement finds that he is in a position to so regard it, well, then, we have done with stability in all matters.

Deputy Gorey has a wide and varied knowledge of many things, but when he enters on the domain of education I am afraid he is not always a success. He undertook to give us figures, and the figures he gave us were these:—A first class principal, he said, began at £370 for men and £300 for women. Perhaps I might tell Deputy Gorey, first of all, that there is no such grade as first class principal in the service; secondly, that no teacher begins at £300 or £370. I have the figures here in the official document. It states that the normal scale for men trained teachers shall commence at £170, and the normal scale for trained women teachers shall commence at £155. There are other teachers who begin at £100; there are teachers who begin at £110; there are teachers who begin at £130; but the normal scale, I take it, is the one that Deputy Gorey has in mind. At the end of some 20 years or so the man who begins at £170 may find himself at £370 per annum, but to do that he has every year to undergo a severe test of his efficiency by officers of the department. No one knows better than those who have been engaged in the service of teaching how difficult it is to get through that test. It is not a mere matter of form as tests of efficiency are in some services. I was very pleased to hear Deputy Wilson express the opinion that a man after 20 or 30 years' service as a national teacher is not too highly paid if he gets £370 per annum. He did say, however, that £170 was too high as an initial salary. I would like him to compare that with the salary that can be got in another service. A teacher spends from 7 to 9 years preparing for his position. He has to undergo a secondary education or the equivalent of it. He has to go to a training college. Some years before the new scale of salaries came into operation the fees paid at the training col-

lege were nominal—£5 or £10. They have been increased to £45 between the past few years. At the age of 21 or 22 this young man goes out and takes up the important work of teaching, getting £170 per year. From that £170, 4 per cent. is deducted to contribute towards his pension. He has to pay for his lodgings, and very often travel a long distance to his school. It is not unusual for him to take his share in paying to keep the school clean, tidy and quipped. His brother might come along at the age of 18 or 19 to the Civic Guard Depot here in Dublin, spend 3 or 4 months in training, and go out and get £182 10s.

**Mr. WILSON:** And stop there.

**Mr. O'CONNELL:** He does not stop there. Read the recent reply given by the Minister for Home Affairs. In addition, he lives in barracks and he has other allowances, of the value perhaps of £20 or £25 yearly. I did not hear from Deputy Wilson any complaint that this public service was too highly paid. These rates which I have referred to are in operation only from 1922, and all during the war years teachers were living largely on hope and on credit—hoping for the time that was coming in 1922 when the agreement which they had entered into in good faith would begin to bear full fruit. Deputy Gorey challenged me to say that teachers in other countries were as well paid as here. I think he mentioned England as an exception.

Deputy Gorey need not run away to Belgium, France, Russia, or Austria, or even to England for comparisons. He has only to go some 40 or 50 miles, across the border, into the Six Counties, where he will find the teachers working under this agreement—which was an all Ireland agreement at the time—and those very scales and conditions are in full operation in that area at the present time. Although the Six County Government during last year brought in an Education Bill, which increased very considerably educational expenditure in that area and which made special provision for increasing the salaries of Secondary teachers, still they have not touched this agreement. They pay the teachers and continue to pay them, and no move has been made to

[Mr. O'Connell.]

cut off 10 per cent. or any other percentage. If they can afford to do that in the Six Counties, it is not too much to expect that we in the Free State should be slow to touch such an essential service as education. Deputy Gorey touched on a great many other things. I can only say that Kilkenny seems to be the happy hunting ground for teachers. After what the Deputy stated no doubt there will be 40, 50, or 60 applicants for every vacancy henceforth advertised in Kilkenny. His playful references to myself I pass over. I will only say that I am willing to swop my share of this world's goods with Deputy Gorey, and I will get 6,000 or 8,000 teachers who will do the same.

**Mr. GOREY:** Done!

**Mr. O'CONNELL:** All right, we will enter into an agreement about it, and I hope it will be kept more honourably than the one we are talking about. I was not surprised at the attitude taken up by Deputy Gorey, but I would be extremely surprised to know that the farmers of Ireland, as a body, would echo the sentiments he expressed yesterday. Apart altogether from the fact that the teachers are in the main drawn from the farming class, and that teaching is one of the few openings that farmers' daughters in the country have to look forward to, there is no class who will benefit more by increased education than the agricultural community. On the other hand, no class will suffer more if the educational efficiency of the country is interfered with. That is why I say that I would be surprised to know that the opinion of Deputy Gorey was general amongst the class he represents. It is not unusual to find teachers in the country looked up to by farmers as helpers in many ways. I know several co-operative dairy societies to which teachers act as secretaries. I know perhaps a few branches of the Farmers' Union that owe their success to the co-operation of the local teacher.

**Mr. GOREY:** Sometimes he is chairman.

**Mr. O'CONNELL:** The teacher who is chairman of a branch of the Farmers' Union will have a big strain put

on his allegiance when he reads Deputy Gorey's remarks of yesterday. The rate of salary paid to the teachers, as I have said, was not fixed on a cost of living basis. The cost of living did not enter into it. What did enter into it was the figure which would attract to the service suitable men and women. That was the main consideration. It should be the main consideration. We had it on the last debate that took place in the Dáil on education from the Minister of Education himself that the new rates of salary had not begun to operate yet, to attract the right class of people. I hope if the Minister for Education gets an opportunity of intervening in this debate that he will tell us exactly how far the new rates of salary have up to the present succeeded in attracting to the profession a different type of men and women from those who have been coming into it for the past few years. The records of the Training Colleges will show the numbers of failures amongst the students since the Ministry of Education raised the standard somewhat, and will also show exactly what the position is now. Within the past few days I came across a circular that has been issued by the Church of Ireland authorities calling attention to the fact that the supply of teachers is running out. This may seem strange to Deputy Gorey, but the facts are there. I will read some extracts from this statement. It asks: "Are our schools to be closed?" "What can we do?" A few facts will demonstrate that these are not academic questions, that they bar our way, and that unless we deal with them future progress will be impossible. There will be no future for the Irish Church. If the Irish Church is to continue we must have schools. Schools are impossible without teachers, teachers are impossible without a training college well supplied with students." The Circular goes on, and asks: "What is the prospect at present of a sufficient or even a moderate supply of teachers?" It says "Each year 45 women teachers are needed to supply vacancies; 28 left College in 1923. At most 28 will leave in 1924, and only 17 can be expected to leave in 1925." The Circular was published before the cut was announced, so that

I am afraid even 17 will not be available after the action of the Ministry. The Bishops of the Church of Ireland issued this document, in which they say: "What is wanted at the moment is candidates who can pass the Easter examination of 1924. A great number of candidates have not hitherto done so, many having failed at this examination."

They find it necessary to send out a special document of that kind, urging and enticing their people to invite candidates to come forward for the teaching profession, and that in spite of these exorbitant salaries which are being paid, according to some Deputies of this Dáil. They send documents out telling what the salaries will be, and of course they will have to revise these documents now. Now there is one important feature of the Minister's statement that I would like to emphasise. It seems to have been lost sight of by most of the speakers here. All the speakers here refer to the 10 per cent. cut as if that was the final end of the proposal, but that is not so. I quote from the Minister's statement. He says:—"The Government have decided that an immediate cut must be made in the remuneration of the teachers. They do not want to take drastic action at short notice, and to make the full reduction which the facts appear to justify at once. They, therefore, propose that a reduction of 10 per cent. should be made, with effect from the 1st November, and that an inquiry should be set on foot immediately for the purpose of exploring the question of what further adjustment may be proper." [Official Report, column 672, November 2nd, 1923.]

Now this is not a question of a 10 per cent. cut that we are considering here; it is only the beginning, and I want to emphasise that. I want to show that that very suggestion has increased, and naturally increased, the discontent among the teaching body. The teachers are told there is to be an immediate 10 per cent. cut as from the 1st November, and there are promised other reductions. The teacher in this instance is like the Cockney in the song, "E don't know where 'e are." The Minister for Finance, speaking a few even-

ings ago on the question of Irish, said that he believes with Padraig Pearse that freedom for this country was a worthless thing unless there was the preservation of the national language. There are few in this Dáil who will disagree with that. Deputy Hogan, speaking from the Labour Benches a few moments ago, challenged the Minister for Finance to say what other body in Ireland was doing as much at the moment to preserve the national language, and to revive the national language, as the national teachers were. It may be said, of course, it is their duty. That is all very fine, but this particular task—new work to many of them—cheerfully undertaken, cannot be carried on without a fund of enthusiasm, without special effort every day of the year. It is not a question of doing work which is easy to them, and which comes natural to them. It is work that requires every day in the year special effort, and effort requiring behind it a fund of enthusiasm; effort which requires the entire attention of the teacher; and now we find this apple of discord thrown in amongst the teaching profession to distract their attention from what should be rightly a matter which would claim their fullest attention. "They had," said the Minister for Finance, "at their disposal the machinery which would enable them to revive and preserve the Irish language." What is the machinery they have if it is not the machinery of the schools? There is not the slightest doubt in the mind of anybody who has at heart the cause of the Irish language that if the language is to go down in the schools it goes down in the country. The schools are the only hope, and surely the Minister who would bear that in mind, and bear in mind the things for which we have been striving in this country for generations, would consider very carefully indeed before he would take any step which, instead of oiling that machinery, would throw sand into it to clog its wheels, and that is what the Finance Minister's action in this matter has done.

Deputy Johnson was challenged to say whether he went to his constituents and asked them to vote for him and for increased taxation. I ask any Deputy

[Mr. O'Connell.]

on the benches opposite whether he went to his constituents and told them that if they elected him he would support a cut in teachers' salaries.

**Mr. GOREY:** Here is one.

**Mr. O'CONNELL:** And the cut in old age pensions?

**Mr. GOREY:** No, not in old age pensions.

**Major BRYAN COOPER:** As a matter of explanation, may I say that I stated in my election address that I would cut down all estimates? I did not specify teachers' salaries or old age pensions, but I did not except them.

**Mr. O'CONNELL:** Deputy Johnson quoted yesterday an announcement that had been made on the 20th of August—I think it was by the President of the Executive Council, who was then also Minister for Finance. The announcement was made on behalf of the Cumann na nGaedheal, and we had it there that education was to be reformed in its whole character and outlook, and that efforts would be made to attract to the work teachers who would be enthusiastic and whose remuneration would be secure. It would be difficult to believe, and yet we are constrained to believe by the facts, that at that very moment when the Minister for Finance was planning these words, officials in his Department had then under consideration the cutting of the teachers' salaries. Now, if Deputies who support the Government will ask themselves honestly if they have a mandate from their constituents to support this action, and I lay special strain upon the fact and special strain again on the fact that I am objecting to the singling out of these two special services—if they can persuade themselves that they have a mandate to support the Government in the action they have taken, and above all in the method in which that action was taken, then, of course, they will vote against the amendment moved by Deputy Johnson. I am constrained to think that the silence of many Deputies on this matter is an indication that they are not quite satisfied that their constituents sent them here to support such action

as this. If the suggestions made by Deputy Major Cooper and by Deputy Captain Redmond had been taken, and if a Committee had been set up—an independent Committee composed of members of this Dáil or people outside—to go over the whole field of administration and expenditure and report where savings could be effected, and if such a Committee, which would have the confidence of this Dáil and of the country, had been set up and reported, that the teachers with others should have a cut, well, then, perhaps, the Government would not meet with the same opposition as it is meeting and must continue to meet with in the action they have taken in this matter.

**AIRE UM OIDEACHAS (Eoin Mac Néill):** Tá a lán cainnt ar an gceist seo. Cuireadh mion-phointí os ar geomhair—mion-phointí nach bhfuil ciall no cifeacht ionnta. Acht in a dhiaidh sin agus uilig is soláir an cheist í agus caithfidh í a scrúdú ins an doigh ceart. Dá m-ba rud é nar thuit rudai airithe amach 'san tír seo le deidheanaighe thiochfadh linn i bhfád níos mó a dheanamh ar son oideachais. Ní féidir linn an cheist seo a phléidhe gan aire a thabhairt do'n mheid airgid a chaill an tír ar feadh na bliana.

There has been a great deal of rhetoric and a great deal of special pleading, and a great many of what I may call debating society points made in connection with this discussion. We have a plain situation to face. It would have been possible, under certain circumstances, had certain things not happened, to maintain and to improve beyond measure, the whole position of education in this country. I impeach the sincerity, and I impeach the candour which, on every occasion, ignores the fact that that improvement would have been, and should have been, possible, and ignores the reason why it has not been possible. It is like some resolutions that we read in the newspapers from public boards scraping up votes, scraping up votes here and there from people and avoiding the essential, the plain, and the main truth about these things. Now, it is not pleasant for a Minister, in charge of any Department, to have the money at the



disposal of his Department reduced. It is not pleasant for me in particular; it is not pleasant in the matter of education to have a reduction, and I do not pretend that it is pleasant. I do not say that in order to curry favour with teachers, and I am not going to balance what I say, as one or two who have spoken here on this debate have balanced what they have said, by throwing out catchwords to console the people, while they intend to vote in a certain way on this amendment.

The amendment has been worded in a very artful form. I ignore the artful form of the amendment, and I propose to vote against it, and no one will misunderstand me or anyone else who votes against it. No one will venture to pretend, or, at all events, if they do they will not take in the members of this Dáil: they will not even delude themselves that we are voting for the detriment of education or for the oppression of the aged poor.

**Mr. JOHNSON:** On a point of personal explanation, I would have desired that the amendment should have directly referred to the two items, but as a matter of procedure and order, it was necessary not to refer to the Minister's address. Therefore, the direct form had to be avoided.

**Professor MacNEILL:** That is, so far, satisfactory. I think it is clear now, at all events, that it is not a case of voting for or against the detriment of education or the protection of the aged poor. In voting against this amendment, I am going to vote for the benefit of education and for the benefit of the aged poor. Deputy O'Connell has asked whether any of us, in going up for election, proposed retrenchment. Well, we did not propose retrenchment on two particular items. The Minister has made that clear. But over and over again, as probably some of those who are present here, and who were opposed to me in the election in Clare, may testify, the Government of that time was attacked, and I think unfairly attacked, by the official representatives from the official headquarters of the Farmers' Party on account of extravagance. I made it perfectly clear at that time that the policy of the Government that I would support, if I

were elected, would be a policy of retrenchment. It was evident to everyone that the whole future of this country depended, and depends now, on one thing more than on any other, and that is on sound national finance. The future of education in Ireland depends on placing the finances of this country in a sound position, the future of the aged poor in Ireland depends on placing the finances of this country in a sound position. Is it suggested that we are going to make a capital loan in order to meet the present high expenses, high I do not say in reference to the merits of the subject, but high in reference to the resources of the State—the present high expenses on the head of education or on the head of the maintenance of the aged poor. Are we to borrow for these purposes?

If we are to borrow what is to be the end of it? If we have to borrow

on continued annual deficits

6 o'clock. that means borrowing and more borrowing, and more

borrowing, borrowing to infinity. The first duty of this Government, and the first duty of any national Government, and the first duty of the Deputies of this Dáil at present, if they have in view the future stability, the future progress, the future peace, the future liberty and independence, the maintenance of the liberty and independence which this country has attained, is to place the finances of this country on a sound basis. That is my profound conviction. I believe that industry, I believe that employment, I believe that education, I believe that the Irish language, and I believe that every interest which we wish to advance, depends on that. I believe that if we fail in that one respect we fail in every respect, we lose everything, we will lose the whole of our national control over education, we will lose the future economic welfare of the country, we will lose peace, we will lose prosperity, we will lose our liberty, and we will lose our national independence.

Consequently, I have made up my mind a long time ago that the principal policy, the chief national policy that is before the Government and the Dáil, and the people of Ireland at present, transcending everything else, is the security of national finance. And the

[Professor MacNeill.] basis of that, as quite a number of speakers have said before me, is that expenditure that can be estimated as "current expenditure" shall not exceed the revenue which shall be estimated as "current revenue." If that cannot be secured, then we cannot ask our own people, and we cannot expect our own people to face the prospect of being, as they ought to be, their own national creditors. Moreover, many things have been alluded to. The whole ground, almost of national existence, has been covered in this debate. We have had the army, the farms, unemployment, and I do not know what was not mentioned. On the particular head of unemployment, there is no question that without sound national finance, we shall be faced with an immense increase of unemployment, and without making reductions where they can be made without grave injustice, we shall increase unemployment. We have been told about an agreement. I think it would be well for us to be candid on that subject also. Supposing that money values had taken a different course and that the money values embodied in this agreement, as it is called, were reduced at present to one-half of what they were at the time, would the agreement stand? Would it be claimed that the agreement ought to stand? I do not think so.

**Mr. O'CONNELL:** Might I interrupt to say that we could not break the agreement without the consent of the other party. We had not the power to do it. The decision lay with the other party.

**Professor MacNEILL:** I do not understand the interruption. I do not think it is possible—and possibly the exponents of the doctrines of the Labour Party would enlighten me on the subject—for the State to bind its own Sovereignty, to bind its own power absolutely and rigidly by the terms of an agreement of the kind specified. I have not myself the terms of that document, whatever it is, before me. I should be very glad to have them. I can only deal with the thing on general principles. This body here is a Sovereign Legislature. Everyone understands that the Sovereignty of this

nation rests in it. I do not think it contracted away, two years ago, its powers to modify the terms upon which it remunerated any form of public service.

**Mr. O'CONNELL:** It is not this Dáil that is modifying the agreement.

**Professor MacNEILL:** It is this Dáil that is modifying the agreement, and the very fact that this debate has been challenged, will show and will prove that it is this Dáil that is modifying the agreement. As Deputy O'Connell has endeavoured to put me right on that point, I will endeavour to put him right with regard to another point. He says the cut was introduced recently beforehand, and that it is operative already. It is not operative already. It cannot operate until the end of this month, and if this Dáil decides that it cannot operate, it cannot operate at all, and it is not operative yet.

**Mr. JOHNSON:** Are we to understand, then, that the rate of pay for this month will be the old rate of pay?

**Professor MacNEILL:** If the Dáil so decides.

**Mr. JOHNSON:** Is the proposition put before the Dáil?

**Professor MacNEILL:** I am very much puzzled by these interruptions. I wonder what is the meaning of the amendment? Does not the amendment propose to set aside—would not that be the effect of it?

**Mr. JOHNSON:** It is not within the power of any private member to raise matters of finance. Is it the formal proposition from the Minister that there should be a change in the rate of pay of these teachers for this month?

**Professor MacNEILL:** I deprecated rhetorical arguments and special pleading. If this amendment is going to be carried against us, if it is going to be carried against those responsible for the retrenchment policy of the present Government, the Deputies opposite know perfectly well what the result will be. We stand by this policy of retrenchment, and as far as our responsibility is concerned we are determined to carry it through. It would probably

be a waste of time if I were to attempt to deal with quite a number of arguments put before us. We have been told, for example, about the Northern Government. The Northern Government has no such responsibility in finance as we have. It has to face no such conditions as we have to face. The Northern Government is subordinate to the British Government, and its finances up to the present have been fed and guaranteed by the British Government. We are an independent State; we have to stand on our own legs, and we have to manage our own finances.

There was another point which has just been barely touched upon. Deputy O'Connell felt that there was some force in it when he said that these increased salaries only came into operation in April, 1922. When were they fixed? The value is to be taken, not at the time at which they came into operation, but at the time at which the salaries were fixed. Even if we are comparing present values with the values of April, 1922, and certainly and emphatically if we are comparing present values with the values at the time when the salaries were fixed, my belief is it will be found that the 10 per cent. reduction is not a reduction at all; that is to say, it is not a reduction in value. The salaries subject to a 10 per cent. reduction are equivalent in value—much more equivalent in value—to the salaries originally fixed. That is a point which has been ignored, and I do not wonder that it has been ignored. I was a Civil Servant myself, and I remember making a desperate fight over being compelled to work overtime at 1/6 an hour. I felt it would be a great injustice, and I made all the fight I could. I am not surprised at the teachers making all the fight they can in order to maintain their salaries at the highest figure at which they can maintain them. Deputy O'Connell certainly has spoken here with very much more moderation than many of the teachers have spoken elsewhere, to judge by the reports we read in the papers.

He has not threatened us with a campaign against the finances of the State, and although he has said that a reduction of salary means a reduction in enthusiasm, he has not uttered any veiled threat here against the teachers doing  
Vol. 5.

their duty in carrying out the policy of national education which is the nation's policy. I congratulate him on having avoided those more violent lines, those menacing lines, of argument which have been addressed to us outside. He has recalled the fact that, speaking before in this Assembly, I spoke with satisfaction of the prospect that improved salaries would lead to an improvement in the personnel of the teaching profession. I cannot see the point of argument in a circular which he produced from the Church of Ireland Education Society. I wonder does that circular impute the shortness in the supply of teachers to inadequate remuneration? I think that the causes, whatever they are, are to be sought elsewhere. I am quite sure that the causes are elsewhere. Deputy O'Connell referred also to the cost of training, which some years ago was nominal and which now amounts to about £45 a year. I might recall to his mind that in an Act which the present Minister for Finance sponsored in the last Session of the Dáil, he provided special powers for the County Councils—and that for the first time—to assist teachers with regard to the expense of training. I wonder whether the teachers themselves have been alive to the existence of that provision, or how far they pressed it on the County Councils that it would be desirable for them to use this special financial power? It seems to me if the County Councils were wakened up on the subject we would hear less about the shortage in the supply of candidate teachers.

So many points have been brought forward, I leave them to others to deal with them. I content myself with saying it is no more grateful to me than it would be to any other Minister in my position to have less money to spend on education. It is not fair or right to say that two particular points of retrenchment have been singled out. The Minister has already made that clear. I am sure if it is necessary he will again make it clear that he aims at a wide and comprehensive scheme of retrenchment. It would not have been possible to bring forward such a scheme—it would have been absolutely impracticable—as Deputy O'Connell suggested, namely, to assess each spending de-

[Professor MacNeill.]  
 partment in the State with an equal assessment of a 10 per cent. reduction or something like that. There are probably some departments in which a larger reduction than 10 per cent. will be possible. There are others which, from the nature of the case, are dealing with development in the country and are themselves developing, and it would not be possible, as a matter of ordinary practicable policy, to assess them with the same reduction, or with any flat rate of reduction of expenditure.

That is plain, but the Minister has made it clear, and I think no one here misunderstands him—that he intends to extend the policy of retrenchment all round so far as it is practicable. The actual amount of reduction obtained on the two items which have been singled out, not by the Minister, but by those who are attacking the Minister, because they have the tactical advantage in concentrating on these two points—the total amount that could be saved by 10 per cent. reduction on these two items will not meet the Minister's requirements for the purpose of producing properly balanced accounts, but that purpose I, as a member of the Ministry, stand by the Minister for Finance. He acts in this policy of retrenchment not for himself, but for the Government, and not for the Government alone, but for the nation, and in that policy I stand by him. I think it is the most important item of our policy at present, and I trust that he will be an efficient instrument of the Government, of the Dáil, and of the country to carry that policy resolutely and successfully through.

**Mr. HEFFERNAN:** I have had to remind myself now and again that this is a debate on the financial statement made by the Minister for Finance, and not a debate on the cut which the national teachers are asked to bear. I must say that I approve, and at the same time disapprove, of the statement made by the Minister. It would be a strange thing if I, as a member of the Farmers' Party which made economies in all national and local services the foremost plank in their platform, should disapprove of any steps taken

by the Government in the nature of economy and retrenchment. I was almost taken by surprise, and was very much pleased, when I heard that the Minister for Finance had taken upon his shoulders a determined attempt to bring the finances of the country to a stable and sound basis. Although I approve of his action in doing so, I cannot say that I fully approve of the method by which he did it. It would seem to a casual auditor of this statement that the methods which guided the Minister were something like this. He said "We will have to retrench; now I will have a look at the expenditure list." One of the first items that strikes his eye is the immense amount of money spent on education, something like four millions. At the same time he sees an item for a somewhat similar amount for old age pensions, and he says: "I will retrench on these two items." I do not think that that is the right way to go to work on retrenchment. If retrenchment is necessary, as, of course, it is, all members of society, whether in the Government or outside it, should be forced to bear their share.

I have been closely associated all my life with many school teachers, and for many of them I have the highest regard. They are men who earnestly devoted their lives to inculcating ideas to their pupils which will lead to their advancement, and they did so at a very small remuneration. It is hard lines on them, at the moment when they were getting on their feet and becoming free from financial care, to be forced to bear a cut on their salaries. At the same time I believe they will have to do what every other member of society has to do, simply bear it, because the first essential to the prosperity of the country is a sound financial basis. We as farmers feel that we have borne more than our share of the depression which has fallen on the country. We have borne a large portion of taxation. Our prices are governed by foreign markets, and our salaries are not fixed at the highest war rate. We have to take whatever price we get in the markets of the world. It will be necessary that every member of the community should bear a reasonable share of the burden placed on us, and that the

greater portion of the burden shall not be thrown on the farming community. There are a great many departments of State. I noticed in the Government returns on expenditure and revenue that there are over fifty Votes. I think there is room for economy in every one of these Departments. We would like to be sure that strenuous efforts will be made at once towards economy. We read in the papers day by day of appointments being filled which are not necessary. Civil servants are walking idle about the streets, while other men are filling their jobs. If there is any truth in those statements it is necessary to have measures adopted to stop such procedure.

I think a small committee should be set up with instructions to wield the axe in every department in which it can be wielded, and not to have it confined to one or two departments. There are other big estimates in the Government list besides education and old age pensions. There is, for instance, the Army. We all recognise the absolute necessity for the Army, but we are not at all sure that the Army is being run as economically as it could be. We are not sure that the higher officers are not being paid higher salaries than they should be. There are a great many internal economies within the Army that could be effected, such as in the catering, clothing and other branches in which we would like to see economies. We hear talk about establishing a flying corps and cavalry regiments. Are such things necessary? I, for one, cannot see that they are necessary.

**Mr. JOHNSON:** What would the President do without them?

**Mr. HEFFERNAN:** There is one item in the financial statement that does not please me, and that is with regard to the Post Office. We see that the estimated expenditure for the year is £2,720,000. The actual return for the half-year is £750,000, or £1,500,000 for the year, which means a loss of £1,200,000. Is it not possible that some economies could be enforced in regard to that system? I had a good deal of sympathy with Deputy Morrissey when he spoke of the auxiliary postmen who had to relinquish their jobs or take

smaller salaries. I do not see why we in the country should be forced to bear the brunt of the economic axe. I do not see why we should be forced to have an unsatisfactory postal service in the country while the cities and towns have a full service. We should not be asked to bear such a large proportion of the expense of conducting the Post Office service.

I am sorry to see it has become necessary to enforce a cut in the pensions given to the old people of this country. I cannot say I would be prepared to vote against such a cut because apparently it has been absolutely necessary. Statements have been made by Deputies with regard to pensioners getting pensions to which they are not entitled, and I think Deputies are referring to the cases of small farmers who are getting pensions after having made over their farms to their sons or daughters. They say it is a duty which should be imposed on these sons and daughters to maintain their parents. Are Deputies aware of the profits made by small farmers in the past two years, or do they think those small farmers are in a position to support anybody? Are they in a position to support themselves? Deputies say these farmers should not have been allowed to retire until they retired into the grave. I must say those statements are most unreasonable. Finally, I should say that we are willing to give all the support possible to the Government in enforcing economy, and we wish to see economy, not piece-meal, but economy enforced all round. All officials who are drawing salaries from the Government should be forced to bear an equal share of the economies. There are other methods of economy which I think will come within the purview of the Government. They hardly come within a discussion of the statements made by the Minister for Finance. There are economies in Local Government to be effected. It is the duty of the Government to see that efforts are made at once to enforce economy in all public and local services.

**MINISTER FOR FINANCE (Mr. E. Blythe):** Like Deputy Hogan, I could almost vote for this amendment if it had been put in a slightly different

[Mr. Blythe.]

form, and had been something in the nature of an addendum. It is unnecessary to assure the Dáil that we do not desire the detriment of education or to inflict suffering on the aged poor. We have simply to face the situation we are up against. This country has been thrown under a great burden of debt during the last year, and money has to be borrowed to meet the liabilities of the country. Deputy Johnson, in his statement, said if there was no struggle during the last year, we would have been as badly off owing to the clause in the Treaty with reference to the British National Debt. Whatever might have happened then, we would not have been up against the necessity of getting large sums of cash which we would have to borrow in the open market. If we had not to borrow big sums we could have run on for a year or so with an unbalanced Budget. It would not have mattered if we had to borrow two millions or so. It is undoubtedly an entirely different thing when we have to go into the open market to borrow big sums on terms which will not be ruinous to this country. Between good borrowing and bad borrowing there is the difference between safety and ruin. If we cannot establish the credit of this country, nothing can go ahead in it. There was talk about the need for spending money during next winter for the relief of unemployment. We could not think of undertaking this work without establishing our credit. If our credit is bad, and we have to borrow at some extravagant or ruinous rate, it would be impossible to contemplate such work. Take the Land Act. The actual operation of the Land Act will not cost the State very much, but if land is to be divided up, money must be borrowed to effect improvements. It will be a crushing burden on the tenant or occupier if the money cannot be borrowed at reasonable rates. Everything depends on reasonable and fair terms that will not destroy the country. We will have no credit if we do not make the best attempt we can to balance our Budget, and to show that from year to year we will be able to pay our way. To my mind there is no possibility of thinking of higher taxation. This country is fundamentally an

agricultural country. The farmers of this country have to sell in a market where there is lower taxation than there is here. They have to compete with people who have lower taxation. If we go in for high taxation we are simply going a step further towards strangling the agricultural industry. I realise as well as Deputy Johnson the advantage there would be in the development of industry, and in promoting the growth of industrial towns and cities, if that could be done; but you cannot change the whole economic system of a country overnight. These are matters in which you must go slowly, or you will do more damage than you can anticipate.

**Mr. JOHNSON:** Let us know the direction.

**Mr. BLYTHE:** I think that high taxation, or increased taxation, must be absolutely ruled out. As a matter of fact, we might be compelled by circumstances to decrease our taxation. We might be compelled to make cuts that we do not contemplate at the moment to enable us to decrease taxation, for I believe if the British lower their Income Tax another 6d., and ours remains at 5s., our yield would decrease. There are cases where, if you put your taxation higher than the circumstances would warrant, your yield diminishes. I believe we would be in that position in regard to Income Tax if what I have suggested were to happen, and in that case, I believe, to safeguard the revenue we have, we should sacrifice the revenue that would be brought about by reductions. In any case if we could reduce taxation, it would be one of the best possible ways to facilitate the development of industry. I think there is nothing we can do which will promote industrial development better than to cut taxation down, and that can only be done by effecting savings. When we talk about savings we must look at the situation steadily, and we must really try to understand its seriousness. Some of those who have spoken here, and a large number of the people who talk and write about the matter outside, do not face its seriousness. More than £3,000,000 must be saved if we are to balance our Budget in the financial

year, so far as ordinary recurrent expenditure is concerned. That postulates an army which will not cost more than £2,000,000. If the Army costs more than £2,000,000, then the saving to be effected will just by so much exceed £3,000,000, so that it is necessary to face the fact that we must economise in every way that we can.

**Mr. DARRELL FIGGIS:** I do not want to interrupt the Minister, but he states that the Army, on the estimate that he made for recurrent expenditure, must not exceed £2,000,000. In his opening statement he said £4,000,000. I would like to know exactly which of the two figures we may accept, or if his present statement has not been made in error.

**Mr. BLYTHE:** I estimate that the Army for the next financial year will cost about £4,000,000. I anticipate that we will have to borrow some of the Army expenditure for the next year, but we cannot go on borrowing for the Army. I do not expect that we can get down to what I would regard as normal expenditure for the next year, but that does not contemplate that we will pay £4,000,000 out of revenue. When I say that we must effect a saving of £3,000,000 to balance our Budget, I do not contemplate paying £4,000,000 out of revenue for the Army. I believe that we will have to borrow to the extent of a couple of million pounds to meet the Army charge. It is necessary to face the making of savings in every possible direction. A great deal of the talk about old age pensioners and teachers is absolutely unreal; it does not move me in the very least. People say, "Why should these be singled out?" I know that the people who say that do not believe for a moment that they are singled out. Deputy O'Connell casts doubts on my honesty or sincerity when I say that further cuts will be made in respect of other services, but he is quite prepared to accept the statement that we will consider whether further cuts, or what further cuts, can be made on the national teachers. There is not much consistency in that. These two services were services where it was possible to make a straight cut, as it were.

The teachers bore no reductions as the cost of living fell. It was possible to make an all-round cut. For reasons that I will come to in a moment, except in one or two other cases, it was not possible to make an all-round cut; the thing had to be gone into in detail. You had to see where the burden could be laid more heavily and where it had to be laid more lightly, but I defend these two cuts on their merits. Other cuts will be made very soon. I have already made up my mind, subject to further consultation with the Departments concerned, in regard to other very substantial cuts, and I have put forward suggestions in regard to other very substantial cuts already.

Take the case of the teachers' salaries. A male principal teacher, Grade II., with about 20 years' service in a school of 60 pupils, received, before the war, in salary and capitation, £129 per year. He receives at present, in salary and capitation, about £436 per year, representing an increase of £238 *per cent.* That means that that particular teacher has had 125 *per cent.* added to his pre-war salary, with full Civil Service bonus on top of that. That would indicate that a cut could be made, having regard to the fact that these new salaries were fixed when the cost of living bonus was at its highest point. When the negotiations leading up to the fixing of these salaries took place, the cost of living was steadily rising. Admitting, as I do, that the pre-war salaries were inadequate, I think that it is not good economy to take a whole class and to increase their salaries to the extent that I have indicated, because, taking them on the average, you get men with certain ability and certain qualifications coming on at low salaries, which is the thing that happened in the Civil Service. You had increases; men were graded anew, and you had the same men doing the same kind of work on very much higher salaries. I think if you are to get the best value for your money increases should not be so rapid or so sudden as that for a whole class of people.

Deputy O'Connell referred to teachers who were getting a salary of only £24 a year pre-war. Now they are getting £110, five or six times the pre-war

[Mr. Blythe.] salary. There has been a very substantial increase there. I do not believe that any reasonable person really believes that there is any injustice in this 10 per cent. cut. We should have regard, as we have in other respects, to the value of the money paid and not to the number of notes. If the teachers' increases had been spread over a period when they got the full scale, when the increase was fixed, they would not have been nearly as well off as they are today. If the cost of living goes down another 20 per cent. they would be a good deal better off than they are today. It is ridiculous to argue that they should be paid so much money in notes regardless of the value that that is stability. That is not stability. You have stability by giving them such a salary as will enable them to live in a certain way and at a certain rate. The outcry I do not take too seriously. It is just the sort of outcry that is natural and is to be expected, and I do not believe that you will find the teachers refusing to do their duty. It does not do them an injustice, and I have no fear that, in spite of any soreness, they will fail to do their duty, just as before the cut was made. All classes of people have had to suffer cuts, and they have gone along when they recognised it to be inevitable, and accepted it, and there was no more about it. I do not attach any importance to the suggestion some very foolish teachers have made that they would not do their duty in the future. I think they only got intoxicated with the eloquence that sometimes goes on at these meetings.

The old age pensions question has, I think, been very carefully debated. We have no desire to hurt or to cause any suffering to the aged poor. We were very reluctant indeed to come to the decision that this cut should be made, but it was clearly one that could be made without inflicting hardship, because it leaves the pensioners in substantially the same position as they were so far as the actual value is concerned, pre-war, and in a very much better position than they were a couple of years ago, or than they were when the pensions were fixed. It is not very much use, having regard to the serious-

ness of the financial situation, to say that money could be saved by striking off those who are not entitled to the pension. We want it all, and anything that can be saved by striking off those not entitled will have to be saved. I believe, however, there is more humanity in making an all-round cut than in trying to make a saving by an administrative tightening up. When you have a service like this there is a great deal of rigidity.

If you attempt, too carefully, to exclude every single person who might be excluded by any rule you will inflict more hardship than you will by spreading over the cut in this way. I would save all that could be reasonably saved by careful administration, but I certainly would not be out to save the last penny that could be saved by rigid administration, because I believe you would have your rules cutting out people who ought to have pensions. I believe that, while some legislation should be made to have a tightening up, that particular thing ought not to be carried too far, because you have to see that you do not need to press it in such a way that there is no absolute discretion in favour of the applicant in a doubtful case.

In regard to the Civil Service, there has been a great deal of exaggerated talk which has gone from mouth to mouth, and newspaper to newspaper, about swollen staffs. As a matter of fact, practically no permanent appointments have been made since the change of Government.

**Mr. JOHNSON:** Do the temporaries cost nothing?

**Mr. BLYTHE:** I will deal with that. For instance, on the established staff, between the 1st of May and the 1st of October, there was really a reduction of 189. A temporary staff have been taken on in considerable numbers for temporary work. For example, a considerable temporary staff is required to deal with Army Accounts and Army Finance, but there has not been any permanent appointments owing to the fact that the Civil Service Commission was not set up, and there cannot be any inflation of the permanent staff, so that if the permanent staffs are inflated it



is not our fault. We have certain special difficulties in dealing with the Civil Service. The people who were taken over at the change of Government were given certain rights under Clause 10 of the Treaty. I think that that is the worse clause in the whole Treaty. It follows the line of the Act of 1920, and was incorporated in the Treaty direct from that Act. I do not know what negotiations ever took place in regard to it. I certainly think that Civil Servants were entitled, on change of Government, to some reasonable protection, but the clause goes further than such a clause need have gone.

**Mr. O'CONNELL:** Why not scrap it?

**Mr. BLYTHE:** We have no intention of scrapping the international agreement which enabled this State to be set up, and which enabled the Irish people to have control over their own affairs. If we dismiss or alter substantially the conditions of service of these Civil Servants who have the protection of that clause, we might let ourselves in for a swollen superannuation charge, which would perhaps exceed the savings that we might effect by a cut in this particular service. The Treaty gives rights to those particular servants to retire on particular terms if there is a material alteration in the conditions of their service.

We have been charged already with getting rid of civil servants and public employees wholesale. Deputy Captain Redmond said that we had a policy of sack the lot."

**Captain REDMOND:** I must interrupt the Minister. I am very sorry, but that is not what I said. I asked whether that was to be the policy.

**Mr. BLYTHE:** In all, the discharges have totalled 454. These include 36 Resident Magistrates, 23 o'clock. Crown Solicitors, 304 Petty Sessions Clerks, and 53 officers of the Marlborough Street Training College, which is closed down, leaving a very small number of other civil servants. To my mind those discharges were unavoidable in the circumstances. They were financially

very costly, but not to have made them might have been a great deal more costly still. For instance, when the Resident Magistrates were discharged there was no sort of civil government in the major part of the country. You had neither police nor courts, nothing but the army. There was no use in putting police there without putting courts. You could not have the Resident Magistrates to function. Some of them were fair and reasonable men who would have been good enough magistrates; others of them were incompetent, but whether competent or incompetent you could not use them. For the interest and for the future of the country, and in order to get settled conditions, it was necessary to get rid of them and to establish courts in which there would be public confidence and against which there would be no public feeling. The same thing applied to the Crown Solicitors and Petty Sessions Clerks.

**Mr. WILSON:** Petty Sessions Clerks!

**Mr. BLYTHE:** In the present atmosphere we may not realise the difficulties that existed until a very short time ago. Conditions are comparatively settled now, but anybody who will just cast his mind back will realise that without the changes that were made, without getting rid of the old officials whom the people felt to be nothing more than agents of the old regime, it would have been impossible to get a system of police and a system of courts and civil government working in the country. It would be a different thing at the present time, but in the circumstances that existed when these things were done there was nothing else to do. Remember it would not take very many Mallow viaducts or very many mansions to meet the whole cost of these discharges. If we did try to use the old officials whom the people were against we would have caused a continuance of the campaign of destruction that would have cost us a great deal more than the charge that was involved in making the change. For my part I say that the Government has absolutely nothing to regret or apologise for in regard to them. We have very carefully done as little as

[Mr. Blythe.]

we possibly could have done in the public interest in the matter of discharges. We have never discharged any man for the purpose of making room for another. Never! I say that without any hesitation. We discharged men with regret and reluctance, and only when we felt that the public interest demanded it.

In addition to those who have been discharged 700 persons have retired in consequence of the change of Government, and under Article X. of the Treaty, they have got special terms, but not terms that were so onerous on the State as those that were given to people who were discharged. Of the 700, 400 have gone from the Post Office, and there is just one matter for regret in that. During the Post Office strike there was some thought of dismissing the men who were on strike. The settlement came a little quickly in the end, and the men were not dismissed. They went back to work and then—I do not know whether the whole 400—but the majority of them went out claiming that they would not serve under the Free State Government, and claimed Treaty terms. It is a matter for regret that they were given the opportunity of doing that.

The suggestion that has been made that the Government, by inflating the public services and by wholesale discharges of people who were willing to serve the Government, have brought the country to the present financial pass is entirely without foundation. When we say that the headquarters establishments of the Government must bear their share of the economies that are to be effected we must have regard to all these facts. We first have to make our economies in such a way as to see that they are not neutralised by swelling the pension lists. Then we must have regard to the fact that very substantial cuts have come off the ordinary civil servants during the past eighteen months. The man who in March, 1921, had an inclusive salary of £200 has now an inclusive salary of £140. The man who had £300 eighteen months ago has £214 now. The man who had £400 has £294. The man who had £500 has £374. That is, a civil

servant who had £500 in March, 1921, has already suffered a cut amounting to £126 per annum, so that fairly substantial cuts have already been taken off.

In the Government Departments economies are to be effected in two ways. They are to be effected by salary reductions where you can effect the salary reductions. They are to be effected by reductions of staff. You cannot go into a Government department and say that anything is to be done on the lines of ten or fifteen per cent. In the Departments in which there is over-staffing the over-staffing is in pockets. You must go over the service, you must examine the department, you must see where the economies can be effected. If there are to be salary cuts you must see where the salary cuts should take place. If there are to be eliminations of personnel, you have to go over the department and see where those eliminations can take place.

At the present time the Civil Service roughly consists—these figures are not just up to date, but they are roughly accurate—of some 7,856 established civil servants (of whom 4,339 are in the Post Office and 3,517 in the other departments); and 12,078 unestablished civil servants (of whom 8,264 are in the Post Office and 3,814 are in the other departments). Staff has to be eliminated by getting greater output where the output is insufficient, and by getting rid of services where the services can be got rid of. It might have been possible, if we could have waited long enough, to have given a complete scheme of economies, to have said we propose to save so much in such a department and so much in such another department, and bring out a total here to the Dáil. But Deputies, I think, will see that cannot be done in a week or even in a month.

We must really effect our economies as we can see how they are to be effected. We are not in the pleasant financial position in which we can say that the teachers are not to be touched until the last possible clerk has been discharged from, say, the General Registrar's Office, or whatever office you like to talk about. When you have a deficit of three or four millions to be

made up, and the necessity of borrowing immediately ahead, you cannot take the casual irresponsible attitude taken up outside and say So-and-So should be the last. Anybody who will look over the Estimates for a moment will see that it will be with the very greatest difficulty that four millions or three and a half millions of saving can be effected. I would like any Deputy who looks over the Estimates to try and form an opinion as to where that amount of money is to be got. Roughly speaking, I can see where the most of it is to be got, but the remainder of it will have to be got by very close scraping indeed. It is simply trifling with a very serious situation to suggest that we should wait, and that we should go on spending at our present high rate until we can see what is the last economy to be effected. As I have stated, to suggest that we intend to make the cut in these two services and then do no more is an insincere suggestion. So far as we are concerned, we might as well not bother at all if that was all we were going to do. If it was our intention to make these two cuts only, better not begin at all, as the result would go nowhere near meeting the deficit. Deputies should at least give us, if not any credit for sincerity, at least credit for having some little intelligence. It would be only earning odium for ourselves and doing nothing to stave off what would inevitably overtake the country if we did not attempt to balance the Budget. I would ask Deputies to look at it in that light.

The suggestion has been made that an independent Committee should be appointed to look over the Departments. At the moment, I do not believe that an independent Committee would be of any value. The appointment of a Committee would simply delay the work and not expedite it. We are not a bit afraid of doing anything that is necessary to be done. We have done many things that were unpleasant and difficult during our period of office, and we are not afraid of doing anything necessary for the welfare of the country. We are able to face any unpopularity that may be necessary for the purpose of balancing the Budget, so that we do not need the protection of a Committee. We do not need to say:

"We would not do it, but the Committee recommended it."

There are matters on which we might want advice from a committee. There are matters where it is not simply a question of economising, but a question of dispensing with services. That is a much more difficult matter than is involved in the cases we have mentioned. It may be very important and have widespread reactions to dispense with a particular service, and in that respect it would be a good thing for us to get advice from some sort of a committee, representing different points of view, who would examine the matter.

As far as one particular service is concerned, I have had under consideration the appointment of an independent committee, but there is really no virtue in a committee as such. The matter is fairly simple, and certainly the driving force is very strong. Failure to show a clear determination to balance our Budget would mean that we might get a certain amount of money now, but we would get it on onerous terms. We would not get enough to carry us any distance, and when we came to look for more the terms would be still more onerous, and the burden cast on the country would be greater than might be expected from us. That would be detrimental to the national interest, and so we would be slipping down the slope to complete bankruptcy. We are absolutely determined that we are not going to be in the position, having brought the country through all that it has been through, of allowing any sort of sentimental feeling or any desire to drift along comfortably to cause us to let the country get into as bad a mess as we brought it out of. I can only say to Deputies at the present moment that we will effect all the economies necessary to balance the Budget, and that we will not spare any class or any service that can be laid under contribution. We must do that. It is our simple duty to do it, and we, I think, can be trusted to do it. There is no need, I think, for me to indicate to the Dáil the economies where the decision as to the exact nature and extent of the economies is not fully come to. There is no need to put forward

[Mr. Blythe.] suggested economies, but we are under the necessity of indicating, in a practical manner, that we do mean to economise. People have stated here, one after the other, and there has been a sort of parrot cry throughout the country, that we should not have effected these particular economies until we were ready for them and until we could announce the whole lot of the others. My settled conviction is, it is not much use to promise the country those interested economies sometime. We must show them the economies now. It was in that spirit, in places where the matter was fairly simple, that we decided on announcing the economies at once. The other economies that are coming will be announced as they are made and as we have come to a final decision as to the exact character and to the exact nature of the particular economy. Deputy O'Connell reminded me of Oliver Twist when he was asking for more, that is more for other people. The more will be forthcoming all right, so that he need not be alarmed. If he simply thinks of the teachers he will probably have enough to think of, and we will effect the economies in regard to other people. As I have said already, some credit should be given to the intention of the Government, and to the determination of the Government, to do what it is their duty, in the interests of the country, to do.

Amendment put:

The Dáil divided: Tá, 16; Níl, 69.

Tá.

Seán Buitléir.  
Darrell Figgis.  
David Hall.  
Seamus Mac Cosgair.  
Tomás Mac Eoin.  
Risteárd Mac Fhearraigh.  
Tomás de Nóglá.  
Ailfrid O Broin.

Tomás O Conaill.  
Aodh O Cúlacháin.  
Liam O Daimhín.  
Eamon O Dubhghaill.  
Domhnall O Muirgheasa.  
Tadhg P. O Murchadha.  
Pádraig O hOgáin (An Clár).  
William A. Redmond.

Níl.

Pádraig F. Baxter.  
Richard H. Beamish.  
Earnán de Blaghd.  
Seamus Breathnach.  
Seoirse de Bhulbh.  
Próinsias Bulfin.  
Seamus de Burca.  
John J. Cole.  
Bryan R. Cooper.  
Sir James Craig.  
Louis J. Dalton.  
Micheál S. de Duram.  
Máighread ní Choileáin Bean Uí  
Dhrisceóil.  
Patrick J. Egan.  
Osmond Grattan Esmonde.  
Seán de Faoite.  
Henry J. Finlay.  
Desmond Fitzgerald.  
John Good.  
John Hennigan.  
William Hewat.  
Conor Hogan.  
Tomás Mac Artúir.  
Peadar Mac a' Bháird.  
Seosamh Mac Brighde.  
Alasdair Mac Caba.  
Domhnall Mac Cárthaigh.  
Liam T. Mac Cosgair.  
Pádraig Mac Fadáin.  
Seán P. Mac Giobúin.  
Risteárd Mac Liam.  
Eoin Mac Néill.  
Seoirse Mac Niocaill.  
Liam Mac Sioghaird.

Liam Mag Aonghusa.  
Seosamh Mag Craith.  
Pádraig S. Mac Ualghairg.  
Patrick McKenna.  
Martin M. Nally.  
John T. Nolan.  
Peadar O hAodha.  
Micheál O hAonghusa.  
Christóir O Broin.  
Seán O Bruadair.  
Próinsias O Cathail.  
Aodh O Cinnéide.  
Conchubhair O Conghaile.  
Eoghan O Dochartaigh.  
Seamus N. O Dóláin.  
Micheál O Dubhghaill.  
Peadar S. O Dubhghaill.  
Pádraig O Dubhthaigh.  
Eamon S. O Dúgáin.  
Seán O Duinnín.  
Donchadh S. O Guaire.  
Micheál R. O hÍfearnáin.  
Aindriú O Láimhín.  
Seamus O Leadáin.  
Fionán O Loingsigh.  
Thomas O'Mahony.  
Pádraig O Máille.  
Risteárd O Maolchatha.  
Seamus O Murchadha.  
Pádraig O hOgáin (Gaillimh).  
Pádraig K. O hOgáin (Luimneach).  
Seán M. O Suilleabháin.  
Caoimhghnín O hUigín.  
Seán Príomhdail.  
Liam Thrift.

Amendment declared lost.

## OLD AGE PENSIONS REDUCTIONS.

**Mr. ALFRED BYRNE:** I beg to move amendment No. 3:—

“To delete all after the word ‘address,’ and to substitute therefor the words ‘but, while approving of the decision of Minister to “avoid waste, and extract the utmost value from all public expenditure (Par. 23), cannot agree to the proposal which would cause severe hardship on many poor old age pensioners in the Free State.””

I promise to be brief in moving this amendment. One point that has not been touched upon, in connection with old age pensions, is a matter which is bound to come into effect in the City of Dublin, and that is, the reduction in the old age pensions in the city, which may mean something small to the Minister for Finance, but which the Minister for Local Government must be aware will have a very serious effect upon the majority of the old age pensioners who are living in the slums of Dublin. They will be forced to apply, if this cut is made, for Poor Law relief, and, if they do not get Poor Law relief, they will be compelled to go into the workhouse. While you may save a little, therefore, in the one department, the Department of Finance, you are bound to get considerable cost and loss in the Departments of Local Government in consequence of this cut of a shilling in the old age pensions. I am aware that there are many cases in the City of Dublin of old age pensioners who have no other source of income, and if a shilling is taken off the ten shillings it will mean that they will not be able to exist. It will be the last straw, and they will have to be taken into the workhouse, and the cost in the workhouse is estimated at 18s. 6d. per head. The Minister for Local Government would do well to consider that point, in my opinion. I endorse the suggestion made by three or four Deputies who have spoken in previous debates, that a committee should be appointed to consider these cases of reduction on their merits, and wherever it is found that the recipients of old age pensions are not working and not

in receipt of other means they would deal with them accordingly. The cases such as I have alluded to in the tenement areas of the city might well be left alone, and the people so situated saved from the workhouse.

I am personally aware that some years ago there was a building in the City of Dublin let in rooms at 1s. per week, and the Assistant Master of the Union, when pensions were increased to 10s., made every effort to get accommodation in these places for people entitled to pension if they came out of the workhouse. He succeeded in getting a great many of them to transfer from the workhouse to these rooms let at 1s. per week. There are many deserving cases such as I have mentioned, and in this one building I know the Assistant Master of the Dublin Union got accommodation for twenty people who were not in receipt of any more than the 10s. a week pension. I think it will be a great hardship if these people are to suffer because there are others in various parts of the country whom the Minister thinks unworthy of the pension. Suggestions have been made as to how retrenchment could be effected. The public outside are saying that there are too many thousand-a-year men knocking around. There are too many appointments being made of thousand-a-year men whose value in the commercial world would not be more than three or four hundred a year at the very outside. If the Government wish to retrench they can start with these thousand-a-year men. Let them begin with the highly-paid officials and reduce them. I would be greatly against curtailment of the salaries of the smaller under-paid employees. I am not beyond saying that even the members of the Dáil and the members of the Seanad should be prepared to forego some of their salaries in the interest of economy.

I promised I would be very brief, and I will keep that promise. I will move the amendment, and I hope it will get some larger support than the previous amendment by Deputy Johnson.

**Mr. JAMES COSGRAVE:** I beg to second.

Amendment put:

The Dáil divided: TÁ, 19; Níl, 61.

TÁ.

Pádraig F. Baxter.  
Seán Buitléir.  
Seán de Faoite.  
David Hall.  
Seamus Mac Cosgair.  
Tomás Mac Eoin.  
Risteárd Mac Fheorais.  
Tomás de Nóglá.  
Ailfrid O Broin.

Tomás O Conaill.  
Aodh O Cúlacháin.  
Liam O Daimhín.  
Eamon O Dubhghaill.  
Mícheál O Dubhghaill.  
Tadhg P. O Murchadha.  
Pádraig O hOgáin (An Clár).  
Pádraig K. O hOgáin (Luimneach).  
William A. Redmond.

Níl.

Richard H. Beamish.  
Earnán de Blaghd.  
Seamus Breathnach.  
Seoirse de Bhulbh.  
Próinsias Bulfin.  
Seamus de Burca.  
Bryan R. Cooper.  
Louis J. Dalton.  
Mícheál S. de Duram.  
Máighread ní Choileáin Bean Uí  
• Dhrisceóil.  
Patrick J. Egan.  
Osmond Grattan Esmonde.  
Henry J. Finlay.  
Desmond Fitzgerald.  
John Good.  
John Hennigan.  
William Hewat.  
Conor Hogan.  
Tomás Mac Artúir.  
Peadar Mac a' Bháird.  
Seosamh Mac Brighde.  
Alasdair Mac Cába.  
Domhnall Mac Cárthaigh.  
Pádraig Mac Fadáin.  
Seán P. Mac Giobúin.  
Risteárd Mac Liam.  
Eoin Mac Néill.  
Seoirse Mac Niocaill.  
Liam Mac Sioghaid.  
Liam Mag Aonghusa.

Seosamh Mag Craith.  
Pádraig S. Mac Ualghairg.  
Patrick McKenna.  
Martin M. Nally.  
John T. Nolan.  
Peadar O hAodha.  
Mícheál O hAonghusa.  
Criostóir O Broin.  
Seán O Bruadair.  
Próinsias O Cathail.  
Aodh O Cinnéide.  
Conchubhair O Conghaile.  
Eoghan O Dochartaigh.  
Seamus N. O Dóláin.  
Peadar S. O Dubhghaill.  
Pádraig O Dubhthaigh.  
Eamon S. O Dúgáin.  
Seán O Duinnín.  
Mícheál R. O hÍfearnáin.  
Aindriú O Láimhín.  
Seamus O Leadáin.  
Fionán O Loingsigh.  
Thomas O'Mahony.  
Pádraig O Máille.  
Risteárd O Maolchatha.  
Seamus O Murphadha.  
Pádraig O hOgáin (Gaillimh).  
Seán M. O Suilleabháin.  
Caoimhghín O hUigín.  
Seán Priomhdail.  
Liam Thrift.

Amendment declared lost.

## ADJOURNMENT OF THE DÁIL.

### EMBARGO ON IRISH LIVE STOCK.

**Mr. BLYTHE:** I move the adjournment of the debate and the Dáil until to-morrow. Although it may not be on the Order Paper, if there is time after the other matters on the Paper are disposed of, it may be possible to resume the debate to-morrow. If not, it can be adjourned further.

**AN CEANN COMHAIRLE:** On to-morrow's Order Paper this item does not appear. If the Ministers and Secretaries Bill does not take the whole day, there will be time to resume the debate. The adjournment, therefore, means that Deputy O'Connell's amend-

ment with regard to the fishing industry may be taken to-morrow if the Order Paper permits it. The motion, therefore, is that the Dáil adjourns until to-morrow.

**Mr. McKENNA:** I wish to call the attention of the Dáil to the unfair action of the English Board of Agriculture in closing the ports to Irish live stock owing to the recent outbreak of foot-and-mouth disease at the landing places of Great Britain, with a view to giving the Minister for Agriculture an opportunity of stating the exact position at the present time, and also with a view to strengthening his hands in

dealing with the authorities in Great Britain. As members are aware, the whole live stock export trade of this country has been held up for the past eight or nine days. Thousands of cattle, sheep and pigs are lying at the various ports in Ireland and Great Britain. Our fairs have also been held up with the exception of any internal trade that has been carried on. The result that our agriculturalists have suffered untold losses, and this important industry is being ruined by these harassing regulations. In view of the fact that we have the cleanest bill of health of any country in the world so far as the livestock trade is concerned, I think it is our duty to enter an emphatic protest against this embargo because it constitutes a stigma on our livestock trade which is unjust and injurious to its reputation throughout the world. At the outset, I would like to tell the Dáil as one of the members who has been in close touch with this question that the best thanks of the Dáil, and of the country, are due to the Minister for Agriculture and his veterinary staff for dealing so quickly with the matter and proving to the world that Ireland has a clean bill of health. Nobody can realise the difficulty with which Mr. Hogan had to contend in this matter. To my own knowledge he was bombarded every day with deputations and every minute with telephone messages, and the most difficult task he had to accomplish was due to the demand made by the English Board of Agriculture to have traced the places from which these animals were taken to the landing places in Great Britain.

That was a huge task, because you can well imagine cattle mixing in the various ports of Ireland, sold at different fairs and shipped from 8 o'clock.

different ports. The Minister acted in a manner highly satisfactory to everybody, and he certainly pleased a crowd which it is often very difficult to please—namely, the farmers and the dealers. The only people he did not please are the men of the type of diplomats who think that the best way to remedy a situation like this is to go to the Minister in England and shake their fists in his face. I do not wish to suggest that we should interfere with the domestic re-

gulations in Great Britain, but I think it only fair to ask the English Board of Agriculture to deal fairly with us in this matter. I think they have forgotten—eaten bread is soon forgotten—what we did for them in the war. During the war Ireland sent to Great Britain 3,862,222 cattle. In 1920 Ireland had only 10 per cent. of the population of Great Britain, but had 43 per cent. of the cattle, and two out of every five of that number were slaughtered in Great Britain. We have started housekeeping on our own, and if we are to be hampered by these harassing restrictions in our infant State, it is going seriously to affect this country. We had new legislation introduced under the Diseases of Animals' Act, but a good many people do not seem to understand these regulations. Owing to the lifting of the embargo on Canadian cattle and the passing of the Free State Act, legislation had to be introduced regarding the movement of animals. There was an Order in Council passed in 1884 under the Diseases of Animals' Act, and in 1896 that Order was made an Act of Parliament. So far as that Act of Parliament was concerned, it was passed for the United Kingdom of Great Britain and Ireland, and within the meaning of that Act every country outside Great Britain and Ireland was a foreign country. The embargo was removed off Canadian cattle, and the Free State Act was passed. The question then arose whether Ireland was still an integral part of the United Kingdom. Sir Edward Carson said that Northern Ireland was, but that Southern Ireland was a foreign country and should be treated on the same terms as Canada. That meant that the Government had to introduce fresh legislation in Great Britain.

An Act was passed in 1922, and the word "imported" was substituted for the word "foreign." That is the position of affairs at the present date, and it is due to this change in the legislation that a good many people do not understand the situation, and the biggest difficulty the Ministry and the country had to contend with was that the Government in England refused now to pay compensation for any animals having this disease detained at

[Mr. McKenna.]

Ports in Great Britain. That question has to be dealt with by the Government or trade. It is a very big question. We have had conferences with the Minister. I hope some arrangements will be come to, because if those stoppages keep on, it will interfere very much with the carrying on of the live-stock trade.

Another thing I wish to call the attention of the Dáil to in connection with this matter is the lying statements circulated in Great Britain about this country. Statements are being made throughout England at Agricultural meetings and to members of Agricultural Societies, that we are cloaking this disease and have not a clean bill of health. Seeing that the Government has a Publicity Department, they should refute those statements and tell the people the truth. Here is a statement made at a very important meeting the other day:—

“Mr. Sadler (Cheshire) said he was sure the Chamber had no desire to embarrass the Minister in this matter; rather were they anxious to help him. There were, however, circumstances which made it imperative in the interests of stockowners that a searching inquiry should be made without delay. On September 1 eleven cattle arrived at Crewe from Fleetwood. Immediately after being unloaded some cattle and sheep were driven down the same alleyway. On September 3 one of the cattle was suspected, but no order was made until midnight of September 3. Every opportunity was given of the sheep being distributed, and almost wherever they went there were outbreaks of foot-and-mouth disease. These outbreaks would not have taken place if the Order had been made in the morning instead of at midnight. On September 5, 40 cattle were slaughtered and burned at Fleetwood: presumably they were part of the same consignment from which the eleven in question came. These cattle had come from Belfast, and it was the opinion in Cheshire that these cattle brought the disease from Belfast. The Ministry, however, said it was believed that the disease was carried into the lairage by a veterinary surgeon who had been attending a milk fever case amongst the

cattle. The entry of Irish cattle into Cheshire had now been prohibited for a period. If these facts did not call for a searching inquiry, what did?”

What occurred in that case was a Vet., belonging to the English Board of Agriculture, came in to attend a cow, down with milk fever, and brought the disease into the port. That is the kind of thing that is going on, and we are accused of bolstering up the foot-and-mouth disease here. Here is another statement:—“‘It is about time that we stopped trifling with this foot-and-mouth disease,’ said Mr. J. James Sheepeat at the Cardiff Farmers’ Union on Saturday, November 3. He added that when the Ministry of Agriculture had control over Ireland they had very little trouble with the disease. British farmers believed that it was brought in with the Irish cattle and were asking for a month’s period of quarantine detention, while some Farmers’ Unions were calling for the total prohibition of Irish cattle. Captain Howells-Evans, County Secretary, said they must be fair with the Irish farmers. The National Council had gone into the matters thoroughly, and not a single case out of the 100 outbreaks of foot-and-mouth since August could be traced to Ireland. A resolution was agreed to calling for a 28 days’ quarantine on all imported cattle.”

In England at the present time County Councils of each county have a right, independent of the Board of Agriculture, to make an order prohibiting, if they so desire, the importation of any cattle into their own county. There is a lot of prejudice against our live stock trade. Consequently, I would like to give all the support we can to the Minister for Agriculture in this country. Also Northern Ireland and we should co-operate with one another. In this matter it is like the Siamese Twins, the life of the North and South are dependent on one another. I would like that the Minister would see that some arrangements are come to with these people. What they are after doing at present is ridiculous. Although they were not able to trace this disease to Ireland they allowed all the live stock at the landing places go to slaughter-



houses in their thousands, and refused further shipments until they were disinfected. They took 11 days to disinfect Manchester lairages. That long interval is an impossible state of affairs. I would like the Minister to impress them to have those arrangements modified. I will say no more than that I would hope the Government in England will not, in the infant stage of this State, do anything that will injure the principal industry of our country. In the past we had very few industries which were not crushed. This is practically among the last left and I hope it will not be killed by Government action.

### **MINISTER FOR AGRICULTURE**

**(Mr. Hogan):** My task is fairly easy and a little unusual. When a matter is raised on the Adjournment, as a rule it is to complain of maladministration of some Irish service, but in this case it is to complain of maladministration of a service in England. We must realise, and I think Deputy McKenna realises, that England is an independent country, and that we are another. They will take the steps that they think fit to protect their own interests, and we cannot do very much to compel them to change their methods. The cattle industry is, of course, extremely important, in money values probably the most important of our exports, and I quite realise that it would be the duty of the Ministry of Agriculture to make to the English Government whatever representations should be made in view of the seriousness of the case and in the light of the fact that we are two independent countries. We are doing that. The facts are not quite as the Deputy stated them. It is admitted in England that there is no foot-and-mouth disease in Ireland. Of course you will not prevent farmers in England from talking, as you will not prevent farmers in Ireland. Farmers are much the same all over the world; they have their good qualities and their bad qualities, but they are very much of a type. They will complain sometimes without much reason. In some of the agricultural papers I saw the report of a farmers' meeting in Cheshire, which might have been a farmers' meeting in Cork. They wanted to

know what this Agricultural Department of theirs was doing, and it was stated that, in fact, their veterinary surgeons were carrying the disease around in their pockets, and spreading it among the cattle. Anyway, they wanted to know the reason why, and they are going to put an end to things generally. That was the whole tone of the meeting, and it reminded me very much of similar meetings in Cork. But English officials have admitted publicly that there is no foot-and-mouth disease in Ireland. That was admitted in the English House of Commons and House of Lords within the last couple of days, and they have also admitted, which, in my opinion, was very frank, that the contagion in the particular instance mentioned by the Deputy was carried by an English vet. from infected stock which he had been visiting to stock which were perfectly healthy before he arrived at the landing place where they were detained, so that the facts are clear. We can do a certain amount to make them hurry up, and we are doing it. They have agreed, on our representations, to take cattle at present in British landing-places out of these landing-places, and to allow the owners either to sell them at the landing-places prior to removal or to remove them to places outside the landing-places. This is extremely important for this reason. The old law in the matter, the Act of 1894, was changed by the Importation of Animals' Act of 1922, as the Deputy has stated, and the existing law is as follows:—Any cattle slaughtered in England, except at landing-places—and "landing-places" is a technical term which I will explain in a moment—are paid for by the British Government, no matter whether English, Irish or Canadian. No cattle infected in Ireland are paid for, so that there is only one missing link in the chain, and that is, the landing-place.

There are landing places at all the ports to which cattle were shipped for the last twelve years, the usual ports used by the cattle shippers in Ireland, and the areas within those ports which come within the legal meaning of the term are strictly defined. When a cargo of cattle is landed from Ireland, they are immediately taken to the lair-

[Mr. McKenna.]  
 age in the landing place, isolated there—or supposed to be isolated—and they must be kept there for a minimum period of ten hours, after which they may be taken away on licence. These regulations, of course, might be improved from our point of view, but they enable the trade to carry on without very much trouble. I think dealers will agree, generally, that though the regulations look severe enough, they do not prevent ordinary normal trading in normal times. But when foot and mouth disease breaks out in England it is another question. The outbreak may occur near a landing place. The area surrounding the landing place is scheduled, and the cattle are kept there. The outbreak may spread within that area. The veterinary surgeon may have taken it into the landing-place; the cattle become infected there and are slaughtered, and there is no compensation. That happened in Glasgow. There are 700 Irish cattle there not yet slaughtered, but we fear they will be slaughtered, because the outbreak has occurred actually in the landing place. The concession which they made, as a result of our representations, is that they are taking out the cattle detained in all the other places and removing them to an area covered by the Act in this sense that if they are slaughtered in this area they will be paid for. That, of course, is a big and very important concession from the point of view of the Irish trade. We tried, and I presume the Northern Government made the same attempt, to satisfy the English authorities that they should pay for cattle even when they were slaughtered in the landing places. We both failed. They refused to do that, and that is a standing grievance with the Northern Government. They say: "We are not a Free State; we are part of England; we have insisted on remaining along with the Motherland, and yet we are treated like foreigners," and some of the most hot-headed members of the Belfast Parliament have spoken very frankly of that particular procedure, on the part of the British Government that they used to be so fond of.

In any event, they refuse absolutely

to pay compensation for cattle slaughtered in these landing places, and have done so even though it was proved beyond question, as it has been in this case, that the cattle were not infected on this side. Once they admit there is no foot and mouth disease in Ireland they admit by implication that the cattle must have been infected on the other side. That is their present attitude. While there is life there is hope. I am not going to say more on the attitude of the British Government on the subject. Irish farmers knew of this for a year, and their organisation should have taken steps to cover themselves against this particular risk. The cost would not be over £10,000 a year for a lengthy period. That is a very small charge indeed. An arrangement could be made by which a charge for insurance would cover that risk, what cattle might become affected in the landing stage. Irish farmers knew for a year that was the position, and perhaps they might have taken steps earlier to meet the case. However, we are all waking up now, as we do when the event occurs, and possibly we will be able to come to some satisfactory arrangement, pending the time the English Government changes its mind in the matter. We cannot ensure what the English Government will do. England is an independent country, but I cannot resist seizing this occasion to remind farmers that we were enabled to present a clean bill of health to the British Government within four days of the notification of the outbreak in England by reason of the regulations which we made in the last six months and concerning which, I suppose, I have got five thousand letters from farmers and cattle dealers all over the country complaining bitterly. I read of meetings of farmers all over the country and find that they say that this is officialdom, and that the officials have nothing else to do but make these regulations, and that they are asked to fill up that form and this form as if they had nothing else to do. But the reason we were able to present a clean bill of health in four days was that we had made these regulations and enforced them. The regulations I refer to are those in regard to tagging and handing

certificates to station masters where the cattle are loaded, giving the origin of the cattle. We intend to continue these regulations; they have justified themselves. We intend to go further. If we discover any case where farmers or dealers have given wrong certificates—and I know they have gone to the trouble of filling up certificates which they have given to the station master, and they have these certificates filled in with wrong names; every cattle dealer knows that is done—we have pretty effective powers to cope with that, and if we find any case of that we will deal with the offenders drastically. We cannot make any arrangement which would help matters in England, but we can make arrangements to cover ourselves here, and do not blame the Department of Agriculture if we make further regulations which may have the effect of saving hundreds of thousands of pounds to the cattle trade by way of expedition when the outbreak occurs.

**Mr. JOHNSON:** May I ask the Minister will he give the Dáil an assurance that sufficient protection is being provided against the carrying of foot-and-mouth disease from England to Ireland?

**Mr. HOGAN:** The position in that regard is very difficult. It is through good luck that the foot-and-mouth disease has not broken out here. It is rife in England for three months, and it is extraordinarily contagious. In fact the technical men are not quite clear as to how it is carried. We have arrangements under which every dealer, and every man in the trade crossing from England, shall be disinfected at the ports, and we find it extremely difficult to get these arrangements carried out and properly enforced. The disinfection process is very simple. We do not know how effective it is, but we are told it is fairly effective, and it does not delay the man very long. Yet I know, and the cattle dealers know, that every attempt has been made to evade it, and actually they have told me they are not going to have a policeman collar them when they land and shove them into the disinfecting chamber. We have had policemen at the ports and warnings to come into this disinfect-

Vol. 5.

ing chamber. The cattle traders would be doing themselves a good turn if they took up this matter through their organisations, and insist that every cattle dealer who lands should be disinfected.

Even if that is done of course it is only ensuring against one-tenth of the risk. It might be carried by a passenger, a drover, a groom, or anybody, but we might happen to get the right man if everyone co-operated. I think it right to say this, that in addition to allowing the cattle at present at the landing-places to be removed, the ports are going to be opened within a day or two, but under more stringent regulations. The regulations in force about six months ago are going to be repeated. This is not official, but I understand that the position will probably be something like this: The existing regulations allow cattle to be taken from the landing-places to a premises or market after ten hours' detention. After 10 hours' detention they are taken from the landing-places either to a market or a slaughter-house. If sold at a market they are taken to a farm, and they must be quarantined there for seven days. The trade is carried on all right in that way, because what happens really is that the cattle are taken to market, purchased and taken home by the farmer, kept for seven days, and then they can be taken away. It is possible that they may increase the seven days' quarantine. It is not exactly quarantine, but a detention period. They are doing it for this reason: They say that Irish cattle are not infected with foot-and-mouth disease. We all know that. Their case is that Irish cattle are the carriers of the disease. They are the cattle that move through England from east to west, and if they become infected near the port, the incubation period is anything from three to seven days, and it takes from three to seven days before anyone discovers it. The English case is that these cattle may infect other cattle on the way through. Hence it is possible that if they open the ports they may lengthen the period of detention.

**Mr. J. T. NOLAN:** The statement of the Minister is, I think, very clear.

**AN CEANN COMHAIRLE:** Is the Deputy going to ask a question? That

[**An Ceann Comhairle.**] is the only opportunity the Deputy can have.

**Mr. NOLAN:** Could the Minister make arrangements that these veterinary surgeons who come from infected areas will not come into contact with the Irish cattle after coming over, so that this outbreak will not be repeated again if possible? If they are coming across will he see that these people will be disinfected, so that they will not bring the disease to us?

**Mr. HOGAN:** English veterinary surgeons do not come across here. I presume what the Deputy means is that he is afraid English veterinary surgeons attending to English cattle which are infected will go into Irish lairages. The English regulations deal with that. It is to the interest of the English authorities to see that veterinary surgeons are duly disinfected after dealing with infected cattle before they come in contact with healthy cattle. That is a thing that the English authorities look after.

**Mr. WHITE:** Would the Minister consider the advisability of employing travelling veterinary inspectors to accompany large consignments of cattle to the principal landing-places in Great Britain to see that officials of the English Board of Agriculture are doing their duty fairly and straightly?

**Mr. HOGAN:** I am glad I was asked that question because it is rather important. Some one said "Economy!" The very minute an outbreak of foot-and-mouth disease occurs, say, in Glasgow, I am rung up on the telephone and asked if I will receive a deputation.

I need not ask what it is about. It is to send a man over to Glasgow and see what is wrong. That looks very reasonable at the first blush, but remember this: the English Department always takes our certificate, and the certificate of our veterinary surgeons, without question. We must reciprocate. We cannot do business on any other lines. There is an arrangement that when an English veterinary surgeon discovers disease amongst Irish cattle and is in doubt as to whether it is foot-and-mouth disease or not that he calls in an Irish veterinary surgeon. But where foot-and-mouth disease is discovered, and confirmed by the English veterinary surgeons, we take their word just as they take our word for our statement that there is a clean bill of health in Ireland. Once alter that and what is the effect of it? An outbreak occurs in Irish cattle in England. The Irish ports are closed. We satisfy ourselves that there is no foot-and-mouth disease in Ireland, and say so, and the English say "That will not do; we will send over veterinary surgeons to have a look round also." We have, as a matter of fact, on the invitation of the veterinary surgeon there, sent a man to Glasgow.

**Mr. WHITE:** That clears it up.

**Mr. WILSON:** How do the Minister's agents at the ports discriminate as to who is a cattle dealer and who is not?

**Mr. HOGAN:** They use whatever little intelligence they have.

**AN CEANN COMHAIRLE:** I think we ought to adjourn on that.

The Dáil adjourned at 8.30 p.m.

# DÁIL ÉIREANN

DE hAOINE, 16ADH MÍ NA  
SAMHNA, 1923.

(Friday, 16th November, 1923.)

Do chuaidh an Ceann Comhairle  
geannas ar a trí a clog.

## CEISTEANNA—QUESTIONS.

### ORAL ANSWERS.

#### COMMISSION REPORTS.

**Mr. DARRELL FIGGIS** asked the President if he will state when it is proposed to circulate the Report of the Canal Commission among Deputies; further, to ask if he will cause the following Reports to be circulated:—

The Report of the Commission on Prices, the Reports of the Fiscal Commission, and the Reports of the Agricultural Commission.

[Mr. Darrell Figgis stated that since this question was handed in the Report of the Commission on Prices had been received.]

**The PRESIDENT:** The Reports of the Canal Commission and of the Fiscal Enquiry Committee are at present being printed, and it is expected that copies will be available at an early date.

The Report of the Commission on Prices has already been circulated to Deputies.

It is proposed to embody the Ad Interim Reports of the Agricultural Commission in the Final Report of the Commission which is now in course of preparation. The Transfer of Functions Order of 1st April, 1922, which the Deputy spoke to me about yesterday, will be circulated within a week.

**Mr. DARRELL FIGGIS:** Could the President give any date for the issue of the report of the Canal Commission. When will it be received?

**The PRESIDENT:** I stated that the Reports are at present being printed, and it is expected that copies will be available at an early date.

#### DUNMANWAY COMPENSATION CLAIM.

**TADHG O MURCHADHA** asked the Minister for Finance whether he is aware that a claim for compensation was lodged by Mrs. Alice Gray, of Dunmanway, Co. Cork, in respect of the shooting of her husband, David Gray, in April, 1922; whether he can state what award has been made on the claim, and when Mrs. Gray—who has a young family to support—might expect payment.

**MINISTER for FINANCE (Mr. E. Blythe):** The claim is at present under consideration, and a decision will be reached as soon as possible.

#### REPORT OF POSTAL COMMISSION.

**TOMAS DE NOGLA** asked the Minister for Finance if he is yet in a position to say what action the Ministry has taken or intends to take with regard to the recommendations contained in the Report of the Postal Commission submitted to the Government last December.

**Mr. BLYTHE:** I have communicated my decision to the Postmaster-General, and an announcement, I presume, will be made shortly.

#### INSTALLATION OF TELEPHONES.

**Major BRYAN COOPER** asked the Postmaster-General how long is the usual interval between the signing of a contract for a telephone and its installation in a house already wired for it.

**POSTMASTER-GENERAL: (Mr. J. J. Walsh):** It is not possible to give a general answer to the question. The time which elapses from the signing of an agreement by a subscriber to the installation of the telephone depends upon several factors, such as the locality, the number of prior orders on hand, whether spare wires already exist between the premises and the Exchange, or whether the erection of

[Postmaster-General.] poles and wires is necessary. In a district served by underground cables, if no spare wires are available in the cables, delay in executing new orders must necessarily occur until additional cables are laid. The fact that a house is wired does not always indicate that the fixing of a telephone in the house is all that is required to provide a service.

**Major COOPER:** Arising out of that answer, may I ask the Postmaster-General if he is aware that I signed a contract on the 3rd October for a telephone, and that the telephone has not been supplied yet? Is he going to charge me the full quarter's rent when I will have the telephone for only six weeks?

**Mr. WALSH:** The Deputy will be charged pro rata.

**Mr. FIGGIS:** A baffling reply.

#### UNEMPLOYMENT BENEFIT IN DUNMANWAY.

**TADHG O MURCHADHA** asked the Minister for Industry and Commerce whether he is aware that John James Burke, of Chapel Street, Dunmanway, who was discharged from the Royal Navy on September 13th, 1922, and who joined the National Army on September 26th, 1922, and was discharged on 30th July, 1923, and whose Army Number was 25466 and Pay Book No 20996, has been signing at the Labour Exchange, Dunmanway (Book No. 1104) for fifteen weeks, and whether enquiries will be made into his claim for benefit with a view to payment.

**MINISTER for INDUSTRY and COMMERCE (Mr. J. McGrath):** In the time at my disposal I regret I have not been able to make such inquiries as would enable me to answer this question. Inquiries are, however, proceeding, and I will communicate the result to the Deputy as soon as I am in a position to do so.

#### KILDARE POULTERER'S ACCOUNT.

**AODH O CULACHAIN** asked the Minister for Home Affairs if he is

aware that, although Mr. Laurence Berns, poulterer, of Kildare, has furnished bills several times to the Commandant's Office, Civic Guard Depot, for £15 for provisions supplied in December, 1922, he has not been paid yet, and whether the Minister will give instructions to have this long overdue account paid.

#### MINISTER for HOME AFFAIRS

**(Mr. K. O'Higgins):** I am informed that Mr. Berns supplied eggs to the Guards mess at their Depot in Kildare. Provisions so supplied are not chargeable to public funds, and consequently payment in such cases is a matter for settlement between the trader concerned and the officer in charge of the messing account. I understand that Mr. Berns has been repeatedly informed that not more than 50 dozen eggs were supplied by him, and payment for that quantity amounting to £7 10s. has been repeatedly offered to him in settlement of his account. Liability for any greater quantity is denied.

#### COMMANDEERING OF MOTOR AT CASTLEREA.

**TOMAS O CONAILL** asked the Minister for Defence if compensation has yet been paid to Martin Cahill, of the Central Motor Garage, Castlereah, on account of a car commandeered by National Troops on February 7th, and concerning which an inquiry was held in Athlone on July 24th, also whether Mr. Cahill's bill for motor hirage, amounting to £15 8s., has yet been paid.

**MINISTER for DEFENCE (General Mulcahy):** The question of compensating Mr. Cahill has not yet been decided but is now being considered. No claim in respect of hirage has yet been received at Headquarters.

#### GORT (CO. GALWAY) CLAIM.

**TOMAS O CONAILL** asked the Minister for Defence whether he has received a claim for £300 from Denis McCarthy, of Gort, Co. Galway, for compensation for damage done to property, etc., by members of the National Army, who, on 5th September, 1922,

are alleged to have evicted Mr. McCarthy, without any legal authority, from his home at Ballinamanton, Gort; and if so, whether this claim has been paid.

**General MULCAHY:** I have not received the claim mentioned from Mr. McCarthy, but I understand that a claim has been made by him under the Damage to Property (1923) Act. I am in communication with the Minister for Finance with a view to expediting the consideration of the claim.

#### **DUNGARVAN ARREST—QUESTION OF ALLEGED ILL-TREATMENT.**

**SEAN BUTTLEIR** asked the Minister for Defence whether he is aware that, on the 30th October, 1923, at 9.30 p.m., Maurice Condon, O'Connell Street, Dungarvan, was arrested by Captain Hayes and Lieutenant Lawlor, of the National Army, and detained, without any charge being preferred against him; that he was taken to the Barracks, Church Street; that it is alleged that at 1.30 a.m. the following morning Captain Kenny and Lieutenant Lawlor entered the guardroom, and that the latter kicked the prisoner and beat him with the butt end of a rifle about the head and face, and that a pull through was also tied around the prisoner's head and was used to pull him to the ground, where he was again kicked; that he was then released, and is at present in hospital, in a very bad way; further, if the Minister will cause an inquiry to be made into the whole circumstances concerning the arrest and detention of Mr. Condon.

**General MULCAHY:** I regret to say that my information is that the facts are somewhat as stated. One of the officers has been placed under arrest, and a full enquiry will be made into the matter.

#### **GLASTHULE CYCLIST'S CLAIM.**

**Major BRYAN COOPER** asked the Minister for Defence whether he is aware that the claim of Mr. Christopher O'Toole, of Glasthule, Co. Dublin, for damage done to his bicycle in a collision with an Army tender on February 12th last, is still under consideration,

and whether he will take steps to expedite a decision in this matter.

**General MULCAHY:** It is regretted that there has been a delay in dealing with the matter. The case will be disposed of forthwith.

#### **SOLDIER'S CLAIM FOR PENSION.**

**SEOIRSE DE BHULBH** asked the Minister for Defence if he will consider the claim for a pension of Joseph Bracken, Abbey Bridge, Naas, Co. Kildare, who served sixteen months in the Army, and who was wounded outside New Ross, as a result of which he lost one eye and is permanently lame on one foot.

**General MULCAHY:** Mr. Bracken's claim will receive consideration at an early date.

#### **NAAS ACCIDENT—CLAIM FOR COMPENSATION.**

**SEOIRSE DE BHULBH** asked the Minister for Defence if he will consider the claim for compensation of the father of the late Peter Roche, of Naas Barracks, who was killed by the overturning of a military lorry outside Naas about 9.30 p.m., July 29th, 1922; and whether he is aware that the man in question is in a dying state and absolutely dependent upon the charity of friends.

**General MULCAHY:** The claim for compensation made by Mr. Roche in respect of his son Peter will be considered in accordance with the provisions of the Army Pensions Act, 1923, as early as possible. Pending assessment of the claim, Dependents' Allowance at the rate of 14/- per week is being paid to Mr. Roche.

#### **DUNMANWAY MERCHANT'S ACCOUNT.**

**TADHG O MURCHADHA** asked the Minister for Defence whether he is aware that Maurice J. Howley, of East Green, Dunmanway, Co. Cork, furnished details of an account due since October, 1922, amounting to £14 1s. 4d. several times, and whether he can expedite payment of the claim.

**General MULCAHY:** Portion of the account is being paid to-day, and the remainder will be settled with the least possible further delay.

### KILDARE ARMY ACCOUNT.

**AODH O CULACHAIN** asked the Minister for Defence if he is aware that, although Mr. Laurence Berns, poulterer, of Kildare, has several times furnished bills for provisions supplied to General Hospital, Central Stores, and Officers' Mess, Medical Corps, Curragh Camp, he has not yet been paid; further, whether, as these bills total £232 19s. 10d. and Berns being a small trader, and in need of prompt settlement, the Minister will give instructions that this account be paid at once?

**General MULCAHY:** The whole account, with the exception of the June portion, £55 10s., which cannot be traced, has been received. A portion of the account, £27 9s. 10d., was contracted by local officers, and arrangements are being made to have it paid by the officers concerned. The remainder of the account will be paid with the least possible further delay.

### QUESTION ON ADJOURNMENT.

**Mr. BAXTER:** I beg to give notice that on the adjournment I wish to raise the question of the position with regard to the political prisoners and the hunger-strike.

### TEMPORARY CINN COMHAIRLE.

**AN CEANN COMHAIRLE:** In accordance with Standing Order No. 9, I have to announce that I nominate Deputy George Nicholls and Deputy Bryan Cooper to act as temporary Cinn Comhairle or Chairmen of Committees of the whole Dáil when requested so to do by me.

### LOCAL AUTHORITIES (INDEMNITY) BILL, 1923—FIRST STAGE.

**MINISTER for LOCAL GOVERNMENT (Mr. Seamus Burke):** I beg leave to introduce the Local Authorities (Indemnity) Bill, 1923. This is a Bill to establish the validity of certain acts done and omissions made by

Local Authorities during the period between the 31st day of March, 1920, and the 6th day of December, 1922.

During the period that elapsed between the Summer of 1920 and the coming into operation of the Treaty, Local Authorities throughout the country, on the advice of Dáil Eireann, engaged in the struggle with the British Government. They broke off relations with the British Local Government Board and functioned under the authority of the new Local Government Department established by Dáil Eireann. This change naturally led to considerable disorganisation and to much uncertainty with regard to the law of Local Government. So many different acts and matters are involved and so many different occasions for illegalities exist, and the records of the period are so incomplete, that it has been found necessary to seek for powers admittedly wide in order to regularise the position.

**Mr. CORISH:** Might I ask the Minister for Local Government will this Bill deal in any way with the relations as between County Councils and Rate-collectors who refused to carry out their duties under the new condition of things?

**Mr. BURKE:** I do not think this is the proper time to go into that question. If I was to make a statement on that it would really amount to a Second Reading statement.

**Mr. JOHNSON:** This seems to me to be rather a challenge to us of taking a division on this proposed assent to a First Reading. If a Deputy cannot ask a question on a matter of this kind, surely it is depriving members of the Dáil of their reasonable rights?

**Mr. BURKE:** The Bill does not specifically state anything about the Rate-Collectors. I would want to enquire very deeply into the matter to be able to answer that question. I would certainly want notice of it.

**Mr. CORISH:** As this is an important matter, and engages the attention of County Councils in most parts of the Free State at the moment, I do think the Minister would be well advised to give it consideration.



**Mr. BURKE:** Some of the Rate-Collectors will come under the head of the Bill and others will not, and I am not in a position at present to say exactly where the line will be drawn.

**Mr. CORISH:** As one concerned in this thing to a great extent in the Wexford County Council, which has had to deal with Rate-Collectors who would not do as they were told when the country was in the middle of the war with Great Britain, I feel that I must vote against the First Reading unless this matter is dealt with.

**AN CEANN COMHAIRLE:** The main question is whether an opportunity will be afforded in discussion on the Bill for raising this particular question. Will the Minister answer that?

**Mr. BURKE:** Undoubtedly there will be opportunity for raising that question. It comes within the scope of the Bill.

**Mr. CORISH:** I am satisfied if such opportunity will be given.

**Mr. BURKE:** Undoubtedly it will.

Question: "That leave be given to introduce the Bill," put and agreed to. Second stage ordered for Friday, 23rd November, 1923.

### QUESTION OF PRIVILEGE.

**Mr. GOREY:** I regret I was not in when the Questions were finished. I wish to raise a question of privilege. I think it was in Wednesday's issue of the "Freeman's Journal" a statement was made that reflects on the members of this Dáil and Seanad. The statement did not actually charge the Oireachtas with a practice that ought not to obtain, but it certainly said so by implication. I want to draw the attention of the Dáil to this. It appeared in the last portion of their article:—

"Economies of this kind would not make a large total, but they would prove to the country that its representatives are in earnest in their pledges of retrenchment, and if all this is true where there is no abuse, it is ten-fold more obvious when there has been abuse. It has

been asserted the privilege of free railway passes is being abused. These passes should be used only when the members are on public business. They ought not be used when members are engaged particularly in their private concerns, going to fairs and markets or even to race-courses, for example. Inquiry ought to be made into the uses of these passes and the Railway Companies asked for information on the matter. The Oireachtas itself has to show an example of public spirit beyond the ordinary in times that are not ordinary."

Now, very grave abuses are implied there, as being practised by members of this Dáil and the Seanad, or I should use the word Oireachtas. To begin there have been no passes issued by the Minister for Finance that I am aware of. There is issued when a Deputy or Senator wants to go down to his constituency a voucher that will entitle him to a railway ticket to travel on the day of the issue of the ticket. It is not a pass. There are no passes issued. The words used in the article "going to fairs and markets" would seem to be levelled at a certain section of this assembly.

**Mr. WILSON:** Racing.

**Mr. GOREY:** Yes, going to the race-courses also. Speaking on behalf of the party I belong to, we have never used or abused the ticket that was issued for any purpose other than to go back to our homes or constituencies directly from here when the session of the Dáil was over. If we had to come up to the city between the meetings of the Dáil we came up at our own expense, and, needless to tell you, we did not travel first-class. I think a statement like this in a public newspaper should be either proved or withdrawn. If it is neither proved nor withdrawn, I will ask the Dáil here to summon to the Bar of this assembly whoever is responsible for the statement—the owner or editor of the paper. He has either to prove his statement or withdraw it. This effort to sling mud is not, I think, at all worthy of any journal. They must be either in possession of certain facts or they must confess themselves that

[Mr. Gorey.] they have been malicious, without information or authority. It is not alone a reflection on me and the party I belong to, but it is a reflection on every member of the Oireachtas. I do not know whether the Minister for Finance would make a statement on the matter, but I want free discussion on this matter and the whole thing thrashed out, and if a proper treatment of this article and the questions it raises is not forthcoming, and if the Editor is not prepared to prove what he says, then he must withdraw it.

**The PRESIDENT:** I was Minister for Finance when this question of railway passes was raised. It will be within the recollection of the Deputies that it was frequently put to us that it would be a much more satisfactory arrangement for Deputies if season tickets were issued. We went very closely and carefully into this matter. We found that it would require a slightly additional number of journeys to and from the Oireachtas to warrant the issue of season tickets.

I do not know that during that time many members complained of the inconvenience to themselves of the arrangements which were made by the Ministry of Finance to ensure that there should be no abuses, and even if members were disposed to abuse this privilege the arrangements that were made did not leave any room whatever for abuse in the matter of travelling vouchers, so that there was no possible chance of any member getting a railway voucher to or from a fair or market, or anything of that sort. It is certainly unfair to members of the Oireachtas, and unfair to the Ministry of Finance, that there should be any question whatever regarding the railway vouchers. I have not even heard of any case in which any member of the Oireachtas applied for a voucher other than the one he was entitled to, and I have heard of many cases in which members did not apply though entitled to do so. The very arrangements that we have made here of sitting from 12 to 4 on Fridays was come to so that members could get away early in the evening, and there were many occasions upon which members, in a hurry to get away to the country,

could not get the vouchers in time, and many of them were at a loss in consequence. It is laid down in The Oireachtas (Payment of Members) Act, 1923, Section 3, Sub-Section (1):—

“The travelling facilities to be received by each member of the Oireachtas under this Act shall be—

“(a) in the case of a member of Dáil Eireann, travelling facilities as defined by this Act between Dublin and any place in the constituency for which he is a member, and (b) in the case of a member of Seanad Eireann, travelling facilities as defined by this Act between Dublin and his usual place of residence for the time being: Provided that such place of residence be in Saorstát Eireann unless in any case in which the Minister for Finance shall be satisfied that special circumstances existing in Saorstát Eireann reasonably deter such member from residence for the time being in Saorstát Eireann and justify the allowance in whole or part of travelling facilities to or from such member's actual place of residence.”

It says, in Sub-Section 2:—“The travelling facilities aforesaid shall be provided and paid in such manner as shall from time to time be prescribed by regulations to be made by the Minister for Finance after consultation with the Ceann Comhairle of Dáil Eireann and the Cathaoirleach of Seanad Eireann.”

Even at the risk of repeating myself I would say that if there was a desire to abuse there was no room for it, and I have not heard of any case where an attempt was made to abuse the facility which members are perfectly entitled to under the Constitution.

**Mr. DÁVIN:** I happen to be one of the members that raised the question of passes, instead of vouchers, upon one or two occasions in the Dáil. I did not do so in order that I, as an individual member, should get any advantage, because so far as I am concerned personally, it would not affect me, living as I do in the Metropolitan area. Since I became a member of the Dáil, I have

not used more than five of the vouchers to which I am entitled. I would say that the article, to which Deputy Gorey has very properly drawn attention, displays a certain amount of ignorance with regard to the use of these vouchers. The article says that "Inquiry ought to be made into the use of these passes and the railway companies asked for information on the matter." I do not think that the railway companies can give any information on that matter to show abuses, even if there were any, but the counterfoils of the vouchers in the Clerk's Office would show, if an inquiry is necessary, whether or not the privilege to which members are entitled is being abused. According to this article, it might mean that if Deputy Gorey wanted to go to a fair in Longford he could get a voucher if he asked for it, but as far as I understand, and I think all Deputies understand the exact position, a member is only entitled to a voucher between Dublin and any railway station in his constituency. It can be quite clearly proved beyond all doubt, if investigation is made, or is necessary, whether that privilege has been abused by any member of the Dáil.

When I made representations to the Minister for Finance suggesting that there should be railway passes instead of vouchers, I was under the impression that the passes would mean a saving to the Exchequer, but I realise now that, unless a certain number of journeys are covered per week, there would not be a saving. I think Deputy Gorey has done a public service by drawing attention to this article, which is absolutely unwarranted, and the statements in which, in my opinion, could not be proved. It is extraordinary how information of this kind could be obtained by the person responsible for writing that article. I do not know whether Deputy Gorey, in suggesting that the writer of the article should be brought to the Bar of the Dáil, meant this Chamber here, or the chamber in another place, but if he meant that the writer should be brought here to explain this article I agree that his suggestion is a proper one. However, the person responsible for writing the

article displays such ignorance of the whole procedure that I think we can leave the matter now where it is after hearing the explanation given by the President.

**Mr. JOHNSON:** I just want to say that I think it would be very unwise for us to pursue this matter after the condemnation that has been expressed. I think it would be attaching altogether too much importance to the newspaper or to the leader writer, or the proprietor of the paper, to ask them to come to this Dáil to explain.

**Mr. GOREY:** I quite agree, though I feel a little bit of temper in approaching this matter. When I referred to the Bar of the House, I meant the Bar of the House, and not the bar of the restaurant, but if the Dáil is satisfied with the statement that has been made, explaining the whole position, I am satisfied. At the same time, I think an apology is due from the paper that published such a statement, or else the paper should prove it. I really think the matter ought not be left there. I do not want the proprietor of the paper brought to the Bar of the House, but I think an apology should be forthcoming from him. As one member of the Dáil, I insist that the person who wrote the article should either prove it or apologise for it.

**AN CEANN COMHAIRLE:** There is nothing for me to add to what the President has said, except a little about the machinery of the matter in the Dáil office. As the President has said, no railway passes are issued. A Deputy under the Oircachtas (Payment of Members) Act, 1923, is entitled to a voucher between Dublin and any place in the constituency for which he is a member. For a particular journey, he gets a particular voucher signed by the Clerk of the Dáil. He must make application in the office for that voucher before he gets it. Obviously a great many Deputies never get a voucher. Deputies who represent Dublin City and Dublin County never get a voucher at all. Other Deputies only get a railway voucher between Dublin and their constituencies. It would be utterly impossible, for example, for Deputy Wil-

[An Ceann Comhairle.]

son, who represents the County Wicklow, to get a voucher to, say, the County Wexford, the County Kilkenny, or the County Donegal, utterly and completely impossible under the arrangements made.

When the Dáil is sitting, Deputies who come from a distance to Dublin, get, on an average, one return voucher per weekly sitting. That is to say, practically all the country Deputies will this evening get a return voucher to their own constituency and will come back on it next Wednesday. Some of them will stay over. That is the average number of vouchers issued. During a recess, when the Dáil is not meeting, vouchers are not issued in the office except for attendance at a Committee of the Dáil, or other business of the Dáil, and Committees of the Dáil, as a matter of fact, very rarely meet during a recess. There have been very few examples of that, so that when the Dáil is not sitting, members practically never get a voucher. The arrangements made under the Act are made by the Minister for Finance in consultation with myself and with the Cathaoirleach of Seanad Éireann, and they ensure the utmost economy, consistent with affording Deputies railway facilities as between the place where the Dáil meets and their own constituencies.

The article in question has, therefore, no possible basis in fact. I, personally, think it is not worth while to say any more about it than that, and I think the matter has now been satisfactorily dealt with and can be left at that.

**Mr. GOREY:** I am quite satisfied, A Chinn Comhairle, as you suggest, but as I said before, I felt in a bit of temper about the whole matter. On two or three occasions during the sittings of the last Dáil I came to Dublin to attend the meetings here at my own expense. There were also occasions when the railway line between Kilkenny and Dublin was cut, and I had to go round by the Dublin and South Eastern Railway system to get to Dublin, and I did that at my own expense. I need hardly say that I travelled third class, but the expense I was put to amounted to something like £8. I did not make any claim for a refund of that money, and I do

not intend to do so, but personally I think that this article is an insult to every member of the Oireachtas.

**AN CEANN COMHAIRLE:** I know the circumstances of which Deputy Gorey speaks. I know a Deputy who has a season ticket on the Great Northern Railway who goes home nearly every night from the Dáil and comes up to Dublin on the following day to attend the meetings of the Dáil. He does that at his own expense, though I think he would be entitled to a voucher which would cost considerably more than the ticket he possesses. Therefore, he travels at his own expense in the interests of the State.

### MINISTERS AND SECRETARIES BILL, 1923.—SECOND STAGE.

**The PRESIDENT:** I beg to move the Second Reading of this Bill, notice of which has been given for a long time past. The Bill interprets the Constitution in the organisation of the Ministries; it sets forth Departments of Government and allocates the various services under the control of each Minister, and places those Departments on a statutory basis and indicates the distribution of State services.

Experience in administration will perhaps be the most useful guide in any further distribution which may be made, and power to provide for such re-distribution or transfer of powers is reserved in the Bill for changes where necessary or desirable.

There is an alteration in the description of one Ministry made at the request of the Department itself. The Ministry for Home Affairs is described in the Bill as the Ministry of Justice. The former term was very wide in description and indefinite in its interpretation. It might conceivably connote the whole of the internal organisation of Government with the exception of the Ministry for Finance. There will be under the Minister for Justice, the administration and business of the public service in connection with law, justice, public order and police, as set out in Sub-section (3) of Section 1 of the Bill.

There is then the Department of the Attorney-General, upon whom rests the responsibility of advising proceedings. The Attorney-General is nominally and

actually associated with the President—nominally because the first and last word as to proceedings is with the Attorney-General, and actually, in so far as may be required, in the event of the Attorney-General not being a member of the Oireachtas, and having in consequence to have some person in the Ministry to answer for him in either House. In this arrangement the Executive Council has the general responsibility, and must be prepared to answer for the Attorney-General, but the immediate responsibility for proceedings rests with, and must be accounted for, by the First Law Officer of the State. There is also power in the Executive Council to supersede and dissolve certain Boards.

As the House well knows, there were, during the British administration, quite a multiplicity of Boards and Statutory bodies, and during the last two years it has not been possible to survey the whole field and to see how better we may construct the Government machine. There are provisions of far-reaching importance in this Bill which merit attention and which may provoke discussion. I do not think it is at all necessary to enter into an elaborate explanation of these. The form prescribed for dealing with Bills in the Committee Stage affords perhaps the very best opportunity for dealing, in detail, with these matters, but I think it is not necessary for me to refer to the importance of this measure. From the point of view of the State, it appears to me to be next in importance to the Constitution itself. Engaged here in the consideration of this measure, we are laying the foundations of the future governing institutions in this country. However it may be subsequently altered, the foundations are being laid in this measure, and I think the House appreciates its importance, and that it will get fair and careful examination and analysis. It has so far received a rather mixed form of criticism.

In the Dublin Press, I observe, it has perhaps received the closest and most careful examination from the "Free-man." On the other hand, the "Independent" has concerned itself with one of the smaller details of the Bill and apparently loses sight of, or is satisfied

with, the very much more important considerations which are embodied in it. We have had now something like two years' experience of government, and the experience we have gained has been of considerable assistance in compiling this measure. I think if there is one thing more than another that we have learned in the last two years it is that it is not humanly possible for a Minister to work from 12 to 16 hours per day, and for seven days a week; and if there is another thing we have learned it is that there is nothing to be gained from the financial experts of the "Independent."

I did not intend, at any time, to deal with some of the work which is not seen either by the public or the Press or the Dáil on the part of Ministers elected by this Dáil, but I do say that the present Ministry, and those Ministers who are no longer with us now, have effected very large savings—savings sufficiently large, if capitalised and invested at a normal rate, to provide every member of the Oireachtas with the salary of a Minister. That may seem to be a fairly large claim, but I think it is about time that we should deal candidly and fairly with those peculiar forms of criticism which disclose small and incompetent minds.

There have been occasions in the past during the great political changes which have taken place upon which men engaged in public life have had opportunities of showing service to the State. I do say that during the last two years there has been real service rendered to this State by the Ministers—those who are living and those who are dead—which has not been placed before the public, because they simply thought they were doing their duty, and they did not want to get any great public credit for doing their duty. We have to consider in this measure the construction of an institution of government which will make for efficiency. We have had to take over what was left of one Government and what had already been constructed of another. We have had to re-organise what was left of one and to adapt what was there of the other to suit the needs of the country. During the period of which we have had experience—that is the last two years—for something like

[The President.]

twelve or eighteen months we have had three Parliamentary Secretaries. Two were attached to me; one in my capacity as President and the other in my capacity as Minister for Finance; the third was Assistant Minister for Industry and Commerce. The Parliamentary Secretary, who was attached to the Ministry of Finance, and the Assistant Minister of Commerce were approached by me in reference to one service which was functioning under the Ministry of Finance, and in the course of their administration of the one particular service they saved a sum per annum almost sufficient to discharge the entire estimate of the Oireachtas. It is not by nominal economies that real results are to be effected, and if excellent services can be rendered by a large number of Ministers we consider that power ought to be given in a measure of this sort to enable the Executive Council to have available for the services of the State such assistance as they consider is necessary.

Generally the Ministries in this Bill stand as at present with slight modification. It is proposed in the Bill to group within certain Ministries services considered to be more suitably connected with others. It will be observed that there is, perhaps, the greatest transfer to the Ministry of Education and a minor transfer of one small service from Agriculture to Industry and Commerce. These alterations, or rather the proposed services attached to the Ministries, will be found in the Schedules. It is possible that Government amendments may yet be moved before the final stages are reached dealing with the various Sections of the Bill.

Section 1 deals with the Ministries. Section 2 deals with the status of Ministers. Sub-section 2 of Section 2 sets down in law what has been the practice observed up to date. That is, wherever the principal officer of a Minister was being appointed the appointment came before and was sanctioned by the Executive Council. Section 3 prescribes the allocation, by the person elected as President, of Departments to particular Ministers, and Sub-section (2) empowers the President to assign two or more Departments of State to a single

Minister. I do not think it is necessary to go into greater detail. This building up of a State machine is not an easy operation. It requires time, it requires examination and analysis, and it requires patience. It is only by experience that one can learn, when the machine is running well, how far it would be possible to group one, two, three or more Ministries under one particular head.

Section 4 prescribes without alteration the salaries attached to the various offices. I do not propose to agree to any reduction of the Ministers' salaries. I have no personal objection to any reduction of the salary of the President. During the recent elections and at many other times one heard criticism of Ministers' salaries and of the salary of the President. There is, as far as I know, one office in this country which approaches the salaries paid either to the President or to the Ministers—that is, the salary of the office of Lord Mayor of Dublin. I would say that there is not £100 difference between the actual salary received by the Lord Mayor and the actual salary received by the President. I would say that there are a few hundred pounds difference between the salaries received by Ministers and that of the Lord Mayor of Dublin. It is an extraordinary thing that people do not apparently realise, when criticising small matters like this, that we have now an acknowledged nationhood and that we ought, in discharging obligations to the State in connection with that newly acknowledged nationhood, see that the principal officers of State get salaries in accordance with the dignity of their office.

Section 5 prescribes the collective responsibility of Ministers who are members of the Executive Council. I observe some criticism of that. I do not think it is necessary to speak at any considerable length upon that particular Section. It is laid down in the Constitution that the Executive Council has a collective responsibility. I take it that that means that in so far as the various Ministries, presided over by the Ministers of the Executive Council, are concerned, if any one of those Ministries does not meet with the approval of the Dáil, a vote of want of confidence

can be moved, and the other Ministers, who, perhaps, may not be under any ban or subject to any criticism, fall with the fall of any particular Minister, and the whole Ministry goes out of office. It means that in so far as these Departments of State are concerned, one Ministry does not stand independently like the extern Ministers. I do not think it is necessary to go further into that.

Section 6 prescribes the office of Attorney-General, and Section 7 deals with the appointment of Parliamentary Secretaries, who must be members of the Oireachtas. In accepting the Treaty we accepted it not alone in the letter but in the spirit, and in the acceptance of it we accepted all that it meant. It meant in this connection two Houses—Seanad Éireann and Dáil Éireann. I must say freely that during the last twelve months the Ministry has not been able to devote to one of the two Houses the time and attention which the second House of the Parliament deserves. There were occasions upon which we had measures concerning a particular Ministry, or the whole Ministry, in both Houses at one time, and it was impossible to attend as much as we would like during that period to the business of the Seanad. I do not know that it will be necessary at any time to appoint more than three Secretaries—any more than three. I believe that the number we had in the last Dáil will be sufficient for the purposes of this Dáil, but I do say that it is impossible to forecast what might be the necessities of the future and, I think, sufficient safeguards are provided for the Dáil in the event of any extravagance. If it were thought that the appointment of an extra Parliamentary Secretary was being entertained there is sufficient authority for the Dáil to deal with any such abuse, if there should be abuse on the part of the Executive Council.

Since reassembling after the election I have not been once in the Seanad. I

do not know about the  
1 o'clock attendance of the other

Ministers, but I do say that there ought to be close attention to the business of that House, and that the Ministry should be in a position at all

times, to know exactly at first hand and be in touch with the business of the second House.

Section 8 sets out in law the Constitution of a Defence Council to assist the Minister for Defence whose authority is not diminished. I think that during the last twelve months the Council was composed of much the same members as have been functioning, and that has been satisfactory. That is a matter which can be dealt with when that particular Section comes under review, and the Minister for Defence will be able to speak to it. Section 9 empowers the Executive Council to dissolve boards of Commissioners or statutory bodies to which the Section applies. Section 10 empowers a Minister by an order of the Executive Council to function through the agency of another Minister. Section 11 empowers the Executive Council to prescribe the re-distribution of public services amongst Ministers. That I have already referred to, so that I do not think it is necessary to go into it further. Section 12 retains to the Oireachtas full control and supervision of orders made, so that if a board were by order dissolved, and if the Oireachtas were dissatisfied, it is a matter over which they still retain control. Section 13 deals with the authentication of official documents. Sections 14 and 15 deal with the Official Seal of the Executive Council, and proof of official Orders. The final Section deals with the coming into law of the Acts that have been passed.

I think I owe it to the Dáil to acknowledge the patience which has been shown to me personally about the introduction of this Bill. The first mention of it I think was about January last. Though it was not introduced earlier the Bill I think has not suffered by being held up. In considering this measure I think the Dáil will be satisfied that we have not lost time, and that, now that the measure is before them, Deputies will be in a better position to appreciate how difficult the work of building up this Government machine was, and how necessary it is for us at this stage to take the greatest possible pains to see that in compiling this measure we are

[The President.]

laying the foundations of a sure and safe institution for the future. I beg to move the Second Reading of the Bill.

**Mr. JOHNSON:** On Wednesday I agreed with the proposition that this Bill might be taken to-day although we had only received the Bill in print that morning. I rather expected that it was purely a formal matter, and not one requiring more than assent to the principle before examination in Committee. I realise now that I made a mistake in giving my acquiescence in that proposition, because the Bill does very much more than contain formal provisions. It has not been possible to give that thorough analysis to the Bill that one would like before the Second Reading Stage. So far as I have been able to read through and examine the Bill I am very disappointed at the form it has taken. The Minister said that we have been under a promise of this Bill since January last. I hoped that when it did appear there would be a re-casting of the various functions of Government and administration into something like a scientific form, and that some principle of allocation would have been observed. As the Minister says, not many changes have taken place. Two or three functions have been transferred from one Department to another, from one Ministry to another.

When one looks at the Schedules I, for one, find it difficult to understand what principle is at work in the assigning of the various Departments to the various Ministries. I think there should be some principle at work in doing this, and I think we should know what the principle is. The page is clean, or practically so; nothing has been fixed. When preparing this Bill, one would have expected that some allocation of administrative duties would have been based upon a plan that would have shown some consistency. That, I think, has not been done. There are a number of matters that would require consideration and criticism. Section 8, for instance, dealing with the Council of Defence, would, I think, require careful examination before the Dáil should agree to it. To me it seems to be running counter to the promises made and

the assurances that have been given by Ministers and, as I understand it, the intention of the Dáil, that the Minister for Defence shall be a civil Minister responsible to the Dáil, and that the Army or Defence Forces should be a subordinate body, just as subordinate as any other Department of Government or administration. In this Bill the Council of Defence is singled out for special honour. By the way, one notices with interest that this is the only Department to which is set up anything in the nature of a vocational Council. We have a Council in this case attached to the Minister, but the Council comprises people who are not civilians, who are not in the Dáil, and who are not responsible to it, and yet they are raised to a certain level in the Bill, that, I think, is not justified, and that rather places those soldiers in a position not subordinate to the civil authority. "The Council of Defence shall consist of the following members, namely—the Minister for Defence, who,"—and it is strange to put this in a Ministers' Bill—"under the style of Commander-in-Chief) shall be Chairman of the Council of Defence, and four other members,"—a civil member who shall be Parliamentary Secretary. That goes to show that there must be a Parliamentary Secretary for this Ministry, "and three military members being commissioned members of the State Defence Forces, who shall be the Chief of Staff, the Adjutant-General, and the Quartermaster-General, and shall be respectively responsible to the Minister for Defence" for the administration of so much of the business as is defined. "The Council of Defence shall meet and act as a collective body and shall be collectively responsible for all matters entrusted to it in its collective capacity, whether by any Act of the Oireachtas or otherwise." I do not know what that foreshadows. I think we should know exactly what plan we are to work upon. Is it intended that this is the forerunner of a series of vocational Councils dealing with various administrative functions, and that there will be allocated to these various vocational Councils certain collective responsibility?

Is it a departure from the plan that



has hitherto been understood that the Minister for Defence, sitting in the Dáil, as a civilian, would be responsible for all the acts of the Council of Defence and for the Army? It seems to be rather shifting the responsibility from the Minister to the Council, and, in the absence of explanation, I do not think that is justifiable or desirable.

The Minister, in introducing the Second Reading, touched upon the various Sections and mentioned Section 6, dealing with the Attorney-General. I do not know whether a further reading of the Bill would make it clear to me, but I am not clear whether the Attorney-General and his office is a Ministry. Is he to be considered a Minister? If not, who is responsible for his department? Is his work part of the Ministry for Justice? It is not. Then, who is responsible? Is the Attorney-General a Minister? If not, is there any Minister to whom he is responsible? That seems to require some clearing, because there are certain administrative functions assigned to the Attorney-General, including charities. Perhaps we shall get some enlightenment on that before the Second Reading stage is finished.

In regard to the provisions for the appointment of Parliamentary Secretaries (Section 7), I have occasionally suggested that there was obvious need for the appointment of Parliamentary Secretaries to Ministers, that they would do useful work; they would relieve Ministers of certain attendances at the Dáil, when they were required elsewhere, and would help the Dáil to carry on its business in the absence of those Ministers. But, when making those suggestions, I had in mind Parliamentary Secretaries, not Assistant-Ministers, not new Ministers. It rather seems to me that the conception behind this Section is not to appoint Parliamentary Secretaries to Ministers who will assist them in their Parliamentary work, but to appoint assistants to the Ministers who would relieve them of some of their Ministerial responsibilities. That, I think, is not desirable, and I think it is not in accord with the speeches we have heard about the need for economy. In the debate yesterday the speeches of the Minister for Defence and Minister for Education seemed to

suggest "one lobe of the brain," as Father Keegan says, "not knowing what the other lobe doeth." Bearing in mind that discussion, and reading this Bill, one is tempted to think of the conflict between remorse and ambition, remorse for the murdered king, Economy, and the desire to fill his place. "Try what repentance can." "We are sorry for our profligacy; we are sorry for the excessive expenditure of the past; try what repentance can, what can it not." The Minister for Finance says "Cut down expenses at all costs and at any cost." "Try what repentance can, what can it not." But what can it when one cannot repent? And they introduce Section 7. We cannot repent because we have to find Ministerial offices. I think there is a need for Parliamentary Secretaries. I think there must be keenness for public service amongst members of the Ministerial party, which would provide sufficient active, intelligent, eager men who are members of the Dáil, who would give all the Parliamentary assistance that is requisite to Ministers and would not require anything like the salaries that are suggested, additional to their allowances as members. It seems to me that a very small addition to the allowances as members would suffice to recoup the keen member of the Dáil who is fitted for the work of Parliamentary Secretary to a Minister to assist that Minister in his Parliamentary work.

The President, in defending this proposition, spoke of the saving to the State, which had, as a matter of fact, been accomplished through the appointment of Parliamentary Secretaries. I wonder whether he is quite accurate in that. Was it a saving to the State from the appointment of a Parliamentary Secretary, or was it a saving to the State from the appointment of an Assistant Minister, which is a very different proposition? The Assistant Minister should be attached to the Department in its Departmental work. The office of Parliamentary Secretary is quite a different one. It seems to me that one of the lessons we have learned from last year's experience in the Dáil is the need for Parliamentary Secretaries—men who would be kept

[Mr. Johnson.]

acquainted with the general business of a Ministry in respect of Bills, in respect of matters of a Parliamentary kind, which the Minister cannot deal with in detail and of which the Secretary would relieve him. That is not what is proposed in this Bill at all. It is proposed, as a matter of fact, to appoint men to assist Ministers who will also be members of the Dáil, and the assistance is not Parliamentary assistance but Departmental assistance. That, at least, is what I read out of the propositions in this Section. And it may be noted that they are to be appointed to assist Ministers who are to be members of the Executive Council only. A Minister who is not a member of the Executive Council is not to have the assistance of a Parliamentary Secretary unless he appoints him—as he is quite entitled to do—as an unpaid Secretary. But this Section seems to me to relegate those Ministers who are not members of the Executive Council into a position of subordination, which I do not think was ever intended by the Constitution, and which, I think, it is unwise to allow. I think the Ministers for affairs, who are not members of the Executive Council, may well be of the very greatest importance and equal in status to the Ministers who are members of the Council, and there should not be any attempt to place them in a position of subordination or to lower their status.

When we come to the Schedules, one wonders at the result of the year's cogitation, which continues to combine in the one Ministry a Roads Department, a Nursing Board and the conduct of Elections. For the life of me I cannot see the connection. If there is to be a Ministry of Health, let there be a Ministry of Health, and do not give to the Ministry of Health the responsibility for conducting local elections. Surely there is no connection. Surely the responsibility for the conduct of elections should be thrown upon the Minister for Justice and Order. It is a matter of public order, and not of public health. There seems to me to be no justification for retaining that combination. I am disappointed that there is not, as a matter of fact, set up a Ministry of Public Health, where all

the health services would be brought under one administration. I am disappointed—but perhaps that is not the word; disappointment rather suggests that one expected something which he had not received—I am sorry, that the Ministry for Posts and Telegraphs is retained as a Ministry for Posts and Telegraphs alone. I would like to see a Ministry for Transport and Communications. I would like to see some one responsible for all those functions which have to do with communication—roads, railways, posts, telegraphs, telephones, all under one Ministry. I hope that proposals in that direction will be made before many days are over.

Then we have such a curious combination as the allocation of the Rural Industries branch of the Congested Districts Board to the Fisheries Department. There has been a desire to take away from the Agricultural Department, responsibility for fisheries and to set up a Ministry for Fisheries. I do not think the circumstances of the country justify a separate Ministry of Fisheries. Letting that pass for the moment, if we have a separate Ministry of Fisheries, why add to that Department responsibility for Rural Industries? Surely that should have been transferred to the Ministry of Industry and Commerce. There are quite a number of queries one might raise as to the allocation of the various functions, but I suppose this Bill will get its Second Reading, and I suppose also, when we come to discuss the matter in Committee, that these questions will all be raised. I am sorry that the Bill has not given us some recognisable plan, or that the re-assortment has not been made with some regard to the probabilities of the future. The idea of those who say that there should be plans prepared before a building is begun, has not been put into operation. There seems to be no plan in this and a number of the details strike me as being dangerous and others of them as undesirable. I hope we shall get some explanation regarding the position of the Attorney-General, what Minister he will be responsible to, and who will answer for his Department; and also some explanation on the more important question as to what is in-

tended regarding this Council of Defence.

**Mr. DARRELL FIGGIS:** This Bill, as the President informed us, has been promised since the beginning of this year. Its delay has at least enabled us to receive it hard upon the stern admonitions delivered to us by the Minister for Finance with a view to economy. Perhaps, if only for that reason, the delay might have been to its advantage. With regard to what one might call the Second Reading principle of the Bill, I presume it would be that there should be Ministers, and that they should be paid. That is a principle that no one could disagree with.

**AN LEAS-CHEANN COMHAIRLE**  
at this stage took the chair.

**Mr. DARRELL FIGGIS:** I shall not oppose the Second Reading because I am in agreement with that principle. It is a sound principle, and in any case it is a very necessary principle. The Bill, as drafted and put before us, includes a considerable number of matters that are not quite in consonance with that very simple principle which could be provided for in a very simple manner. Before I come upon those matters which, I suggest, should have no place whatever in a Ministries Bill, I wish to touch upon some matters that are included within the ambit of the Bill. The first is with regard to the allocation of services. I think it would have been desirable, as Deputy Johnson suggested, that there should have been a very careful inquiry and a very careful plan made out as to the apportionment and adjustment of one service with another. It is very clear that some progress has been made, and it is greatly for the advantage of clarity that that promiscuous title, the Ministry of Home Affairs, should have been dispensed with, and that there should have been introduced in its place a Department of Justice. I am not aware, after some inquiry, of any country in which such a Department has been created, where there has been created together with it, side by side with it, and ranking almost, if not entirely, as a separate Ministry, an Attorney-General's department.

Vol. 5.

In countries such as England where there is a Minister for Home Affairs, there is an Attorney-General; but that there should be both a Minister for Justice and an Attorney-General, I am not aware. If one interprets the particular kind of a shake of the head that the Attorney-General gave in answer to Deputy Johnson's question, it appears the Attorney-General is not to be responsible to the Minister for Justice. Then at once one is faced by the question that if it be sound and right that a Department of Justice should be created, what has the Clause dealing with the Attorney-General to do in a Ministries Bill? Surely it is a matter for an entirely separate Bill altogether. Amongst these Ministries there are two to which I would direct particular attention. The first is the Department of Fisheries. It is perfectly clear from the statement made yesterday in the Dáil by the Minister for Finance that the necessary finance for the re-organisation of the Fishery industry is not going to be forthcoming. I have had occasion to make some inquiry into this industry, and I am the first to appreciate the great importance it will be in the future re-construction of the country. It is one of the most important of our industries; it could be one of our wealthiest. It draws upon a natural resource that may prove to be quite the richest that we have. But if the money is not going to be forthcoming to re-create that industry as it requires re-creation, and to place it upon a firm and economic foundation, then why should the money be allocated towards creating a Ministry, when the Ministry itself has little to do except to continue the present unorganised state of affairs, which could easily be done by some other department?

There is no need in the present state of the national finances, or in the way in which the national finances will be unquestionably regarded during the next twelve months, for a Department of Fisheries, and therefore, it is desirable on the grounds of the admonition given us with a view to retrenchment and economy, that retrenchment and economy should be begun by limiting the Ministries only to those Ministries that can be expected adequately

[Mr. Darrell Figgis.]

to function during the next twelve months, and no one will suggest that the Department of Fisheries was one of these. No one is going to suggest that any work is likely to be undertaken in that department that could not quite adequately be done by any one of the other departments. Therefore, the expense necessary in the end should be postponed until the time when it will become due, along with the finance required for the re-creation of this industry.

The next Ministry to which I desire to draw attention is the Ministry of External Affairs. I think this is a Department also that could be dispensed with at the present time. It is doing very little work indeed. It is, in fact, so far as its personnel is concerned, much less a Department of External Affairs than a Department of Publicity. That publicity is not always calculated to assuage some of the national wounds. There is really no need for this Ministry. There is no place for this Ministry, and there is no place because the hard logic of circumstances eliminates this Ministry from any responsibility in the Dáil. That is so on the very face of facts. A fortnight ago a Deputy rose here asking for certain information dealing with the affairs of this country with the affairs of a great and friendly neighbour respecting the fulfilment of one of the articles of a Treaty made between the two peoples. Who rose to answer that question? The only person competent to give the answer, and that was the President of the Executive Council. The Minister for External Affairs must necessarily be the President of the Executive Council. It is to the President that this Dáil will naturally look for guidance as to the relations of this country with other countries, and for information respecting those relations, and for responsibility respecting the ordering of those relations.

It will be said that he will want additional assistance in this regard. That is true, or it may be true; but if it is true, then the additional assistance will be required in matters affecting the Civil Service and not in matters affecting responsibility in the Dáil. Therefore I think that here we have the case of a

Department that under any circumstances could quite easily and should quite properly be dispensed with. I have suggested that the Department of Fisheries should be dispensed with; but I have said that ultimately such a Department will become necessary. In regard to the Department of External Affairs, I hold very strongly that not only is it unnecessary now, but that it will always be unnecessary, because the people of this country and the Dáil, will naturally look, not to a particular Minister to answer for responsibilities in these, the gravest of matters, but will properly look and always look to the President of the Executive Council. Some of the same kind of criticism is created in my mind by Article 7, and it is helped and furthered by every word the President of the Executive Council has spoken in the Dáil in commending this Bill for Second Reading. Deputy Johnson suggested there was a misnomer in the description of the persons whose services would be required. He has suggested that instead of being Parliamentary Secretaries, in point of fact they really would be Assistant Ministers.

I carry that criticism one stage further, and instead of their being either Parliamentary Secretaries or Assistant Ministers, what really is required, if at all required, is a different apportionment of administrative staffs. He has stated that a certain Deputy on the Contracts Committee, representing him on that Committee, has effected considerable economies for this State. I have no doubt of it; but why could not some official of his Department serving on that Contracts Committee have effected these economies equally well? That particular Deputy was not responsible to the Dáil for the Contracts Committee. He had no functions in this Assembly in respect of that work. The work was strictly as between the Ministry of Finance and the Contracts Committee. Therefore it is not a case either for a Parliamentary Secretary or an Assistant Minister, but strictly a case for allocation of services within the Department concerned. A Parliamentary Secretary is someone who undertakes definite services in the Dáil. The explanation that the Minister has given of the kind of work for which they

would be required has shown clearly it is not so much in the Dáil that they will be required, but outside the Dáil in connection with administrative services. For that reason I believe this Clause is not required within the circle of the President's own defence and advocacy of it; but I am perfectly certain it will be very largely desirable at the present moment, especially in view of the discussions that have kept us here during this present week, that they should not be pressed at the present time. Not merely is there a question of actual economy, but in the effecting of that economy there is a question involved of National morale, and there is no question whatever that this proposal, coming after the Minister for Finance has urged economy, will have an unfortunate effect.

The actual additional expense involved is in the nature of about £7,000 roughly, after deducting the allowances that would be received by them as Deputies. The amount may not be large, but if Parliamentary Secretaries truly functioning as such prove to be necessary in the end, let us at least postpone their appointment until we have got our National finance in a better state of order than exists at the present moment. Let them not at least be pressed now. I believe that they may become necessary. Let the proposal not be pressed now, seeing that economies are to be called for in respect of other services. At least, let these economies be started here, and do not let us on one day be asking the people outside to economise and on the following day bring in proposals which, even if necessary, are proposals that do not look well coming so soon after the arguments in favour of retrenchment. It must be remembered that we have managed for 12 months without the official creation of the payment of such persons. Let us at least, even if it gives discomfort, manage for another 12 months, and in view of all that has come about then, and the re-organisation of National finance, let us re-consider the matter at that time. Now I come to a matter that I consider to be the most important in the whole Bill, and that is Section 8.

I read this Section with considerable

astonishment. This Bill is called the Ministers and Secretaries Bill. It is not accurately designated as such. It should have been called the Ministers, Secretaries, and Army Council Bill. If an Army Council be required the right place for the creation of such a Council should be in the Army Bill and not in the Ministers and Secretaries Bill. By bringing that into the Ministers Bill a status is accorded to the Army in this country that is not accorded to that service in other countries. We are faced here directly by an attempt to put the Army in a privileged position by which the Council, as created, ranks practically with the Ministry. The words in line 5, page 7, are words to which I draw special attention. Last July we had here in this Dáil an Army Bill that was rushed through in such a manner that we got through 245 Sections in one hour and a half in Committee. The question was several times asked of the Minister for Defence and the President of the Executive Council as to whether the Minister for Defence was or was not going finally and definitely to surrender the title of Commander-in-Chief, and the assurance was given that the Commander-in-Chief was to be the Executive Council in its collective responsibility, and through the third clause of that Bill, now an Act, it is distinctly stated that the Commander-in-Chiefdom is held by the entire Executive Council in its collective capacity. Now, in spite of that earlier profession and in spite of the assurances given that the Minister for Defence shall be a purely civil person holding no military rank, we, nevertheless, have the Minister for Defence using the title of Commander-in-Chief.

Now, I am not desirous of using words in any exaggerated sense, but we all know of certain tendencies that have been in this country for several years. I know, personally, having worked and fought with colleagues for the last seven years, that there was a spirit in Ireland, in the Sinn Féin movement, to regard persons who served on the civil side as persons who did not count in the least degree, and that the real responsibility always lay with the military arm. I testify that that did

[Mr. Darrell Figgis.]

exist, because I heard expressions used in the inner council of Sinn Féin that the real decisions were taken by those who were responsible for the organising of the army forces of the Republic, as it then was. I see in this Section a clear and definite continuance of that assertion, and therefore I think it is a very undesirable thing that we should have it here. It may be necessary for the Army Council. If the country finds it necessary to have an Army Council and a Commander-in-Chief only in a state of war and not otherwise, why should we find it necessary immediately after the Minister for Finance has told us that acts of destruction have ceased? But even if it is found necessary to have an Army Council and a Commander-in-Chief in time of peace, contrary to practice in every other civilised country, let us avoid endowing it with a special rank, and special status, and special privilege and authority by putting that into a Ministers' Bill. I hope before this Bill becomes an Act that this Section will be cut completely out, and that if there be any matter proper in it for attention it should be passed over now and embodied in an Army Bill. There is only one matter, in closing, to which I desire to refer quite briefly. I think it is an oversight. I presume it will be necessary in Committee to add a Schedule repealing all the earlier Acts which have been superseded in this Bill. I have not seen any such repeal section, but I presume one will be necessary.

**Mr. GOREY:** As one who represents the party concerned in agriculture, and consequently having to bear the heavy burden of the State, the first section of this Bill that seems to strike me in the face is the seventh Section. Provision is made there for seven Parliamentary Secretaries at salaries of not less than £1,200 a year each. These Parliamentary Secretaries are justified, according to the arguments of the President, by the over-work of several Ministries, or of the Ministers themselves. In the last Dáil we had, I think, two or three—two at least—of what the President describes as Parliamentary Secretaries. We must also remember that in the last Dáil the President held two portfolios,

namely, President of the Executive Council and Minister for Finance. We can understand the necessity in that case of a Parliamentary Secretary to the President, but now these two Ministries that were held by the President are held by two Ministers. I think that the work of the Ministry now in the hands of two individuals can very easily be handled by the Ministers themselves. The other was the Ministry of Trade and Commerce, and any of us who were here in the last Dáil know that when the Assistant Minister for Industry and Commerce took up his duties the Minister for Commerce was never here and was engaged apparently on other duties. Now he has been relieved of these duties, and if he has not he ought to have been if he is to keep the position of Minister for Industry and Commerce. If he is so relieved, I for one, and the party to which I belong, and the people we represent in the country, cannot see the necessity for a Parliamentary Secretary for this Department.

The Minister for Finance, in his statement the other evening, said he aimed at cuts all round, and aimed 2 o'clock. at economising. He aimed at getting good value for the money of the State, and if he aims at these things, and if these things are intended, we ought to get proof of it in this Bill, but the proof is not contained in the Bill. It is far otherwise. We ought to have some sort of proportion in this country, though our heads for the last few years have been considerably swollen about our nation and our nationhood and all the rest. What are the actual facts? The whole population of Ireland, including the Six Counties, is less than that of an English city. It is less than that of the County of Lancashire in England. The County Council of Lancashire is administering more money, and is acting for a population greater than the whole of this country. We ought to have some sense of proportion and not be living in the clouds. I see here "Minister for External Affairs, Parliamentary Secretary." I think that we, as a nation, when it comes to hard facts with us, are really all amateur actors. I do not know of any other country in

the world that could produce, as we have produced at the moment, three Governments. We are the Government of the Saorstát, then you have the Government of the Republic, and the Jim Larkin Government.

**Mr. DAVIN:** What about your own?

**Mr. GOREY:** We have not tried to govern yet, though we gave an example at the North Wall of what we could do. The Bill will create a very bad impression on the public. I have been speaking to several members of the public, and I know from conversations with them that the creation of, to my mind, unnecessary offices will not help to inspire confidence in the Government. Whether the offices are necessary or not, they could, I think, be done without for two or three years. The first thing the Government should do is, by wise administration, to inspire confidence in the public, and to my mind the provisions of this Bill, some of which are necessary and some of which are not necessary, will not help in that desirable direction. I see that under the provisions of this Bill technical instruction is to be added to the Ministry of Education, and taken from the Ministry of Agriculture. I hope that no change will be made as regards the Agricultural Colleges at Glasnevin and Athenry and other places, and that they will still be retained under the control of the Minister for Agriculture. Technical instruction, to my mind, should also be left where it is at present.

I want to say a few words about the Ministry of Fisheries. As a member of an Advisory Board that was set up recently, I have gathered the information that it is not the intention to run the industry of Inland Fisheries as a State concern. I do not blame the Minister for Fisheries for that. I understand that the preservation and the control of the Inland Fisheries are still to be left to boards known as Conservators. Some of these Boards of Conservators may have done their work well. It is said so, and I am not in a position to question it, but these boards that I do know, and have an intimate knowledge of, did not do their business well or anything approaching well.

If the Ministry of Fisheries is going to be a Ministry at all worthy of the name, it should, in my opinion, be a State Department. I think the Inland Fisheries should be the property of the State.

**MINISTER for AGRICULTURE (Mr. Hogan):** They are.

**Mr. GOREY:** Then if they are the property of the State, why are they left in the hands of private individuals who own and control huge stretches of rivers, in some instances ranging from a distance of from 15 to 20 miles, of our tidal and fresh water? If we are going to develop the fishing industry by State funds, or by State aid in any form, we are I assume going to develop it for the State and not for the private individual. The Minister for Agriculture says that these fisheries are the property of the State, but if there are any interests connected with them which require to be bought out, I think they should be bought out and let the State own the fisheries completely and develop them as a State service. It is only by State ownership that the fisheries can be properly extended and developed.

During the past week I have received several reports, some from Clonmel and some from the Midlands, as far inland as Portarlinton, where fish is being destroyed wholesale. During my time I never knew of any protection being afforded for any of the rivers in the Waterford district during the close season. Over hundreds of miles of these rivers there was never any person seen doing any sort of protection duty. Once the open season is finished, the few pounds that remain in the possession of the several little petty Boards, with control over these rivers, are exhausted, and in some districts only one man is retained to do duty during the spawning season. That man is scarcely ever on the rivers. He might go there occasionally to show himself—to show cause, as it were. In my own district the head water bailiff is an old man, 85 years of age. He is a helpless old man, and is not able to do very much, but a case like that gives you an idea of how things are done in the country, and as to the ideas that prevail for developing the fishing industry in the country. Is

[Mr. Gorey.]

that, I ask, the idea of the Executive Council of developing one of the most important industries in the country? In my opinion, if the fishing industry were properly developed it would be almost as valuable as the land of Ireland. We have no pollution in our streams or in our rivers. They are the best in the world for rearing and propagating fish, and still they are left in the hands, practically speaking, of a few individuals who have no funds, except what they get from the licenses that are given to fishermen.

**AN LEAS-CHEANN COMHAIRLE:**

It would be better, I think, that the Deputy did not discuss the fishing industry on the Ministers' Bill.

**Mr. GOREY:** Under the provisions in the Ministers' Bill, I think I am entitled to speak about the fishing industry. It is not proposed to alter the system as regards the development of the fishing industry under the Ministers' Bill: it is only a question of protection and of imposing fines. I do not know whether I am in order or not.

**AN LEAS-CHEANN COMHAIRLE:**

The Deputy is not in order in discussing the fisheries.

**Mr. GOREY:** Am I in order in discussing the justification for a Minister for Fisheries?

**AN LEAS-CHEANN COMHAIRLE:**

Yes, but you have gone outside that.

**Mr. GOREY:** I do not think I have, with all due respect. If it is not the intention of the State to make fisheries a State concern and protect them by river police I think the Ministry of Fisheries should be struck out of the Bill. If a Minister for Fisheries has nothing to do there is no necessity for a Minister. It has been suggested that the Ministry of Fisheries should be dispensed with. We all know, whatever Ministry this Department of Fisheries is going to be attached to, it will need a staff. It has always needed a staff. The Department of Fisheries will have to have Inspectors and a head to control it. Surely if fisheries are worth anything they will need a Department? There

was a Department always for handling such affairs. Whether the head of the Department is known as a Minister or as a clerk makes no difference if he gives value for the money. If the development and protection of fisheries is left to licensed holders and private holders the development of inland fisheries will never take place. This is a matter to which the Executive Council should give some attention. If properly developed, fisheries would provide a means of subsistence not only for the few people at present living by inland fisheries, but for probably half a million persons.

The Ministry of External Affairs has been referred to—Foreign Affairs, I believe Mr. Gavan Duffy called it. That was a phrase he used to revel in. I do not see why we want a Minister for External or Foreign Affairs. We are concerned with no foreign affairs. We have no colonies and have no interests to clash with any other nation. I think it is ridiculous to be playing with theatricals like this. This Ministry of Foreign Affairs ought to be scrapped and let the Executive Council deal with any foreign matters that have to be dealt with. To my mind, and to the mind of the average man in the country, the Ministry of Foreign Affairs or External Affairs, or whatever you like to call it, will be known as a Ministry for finding a job for somebody. Every Deputy in the Dáil wants to be plain and to state what the people think. I will not go into the provisions referring to the Army Council now. We can deal with them in Committee when, perhaps, they might be amended and brought down to something like what we think they should be. What I have said is, I think, the considered opinion of the members of the Party I represent, and I hope the Executive Council will take some notice of it.

**Major BRYAN COOPER:** I should like to express my opinion on certain features of the Bill. There are very valuable features in the Bill, and I have no doubt the Dáil will give it a Second Reading. While one is naturally disposed to say that Ministers should have the machinery which they require to carry on their functions and to do the work of the State there are one or two



features that are open to criticism. The President referred to the fact that the most constructive criticism that he had seen in the Press came from the "Freeman's Journal." I wish that the President in his speech had dealt with some of that criticism. He passed over it to a considerable extent on Section 8 as regards the Defence Council. He passed over entirely the very forcible criticism, I think, of that newspaper, against the nebulous character of the functions laid down for the President in Section 1. According to that Section the President is to be a sort of liaison officer and is to look after any documents that no one else may be particularly using and that is really all his functions. There is no exact definition of his position as head of the State. I have no doubt, however, that the personality of the present President would ride over any difficulty in this particular Bill, but we must think of the future, of other Governments, and other Presidents.

I think it might possibly be desirable to bring in an amendment that would strengthen, and make more emphatic the rights of the President which exist under the Constitution, but which might be made somewhat clearer in this Bill. The bulk of the criticism I have heard, and certainly the bulk of the criticism outside the Dáil, has been directed against Section 7. Section 7 is an interesting Section, but the real burden of the criticism is, that this Bill provides for twelve Ministers and seven Secretaries to carry on the work of the State; in all nineteen paid officials, paid members of the Dáil or Seanad. The justification that the President gave—I hope I am quoting him fairly—for adding the Secretaries is this: he said he did not think seven were needed. If so, why take power to create seven? Why not bring in an amending Bill? We are frequently promised amending Bills on other subjects. If it is found that more than three are needed it would be possible to bring in an amending Bill if only as a tribute to psychology. Public psychology is such that if you say you take power to create seven they instantly think you are going to create seven. The one serious criticism I have to make of the Government is that they

have ignored the public point of view too much. They have nearly always done the right thing, but very often they have done it in the wrong way and caused unnecessary criticism and friction. The justification for these salaries is in order, I gather, that the proceedings of the Seanad may be attended more frequently by Ministers, or by Secretaries.

**Mr. JOHNSON:** No.

**Major COOPER:** I think as far as the proceedings of the Seanad this session have gone the fact that no Minister has been able to attend has not been of very great importance. They have voted a reply to the Governor-General's address. They have passed their own Standing Orders and they have suggested the offering of a reward for some form of alcohol that can be used to develop power. I do not know that the attendance of a Minister was necessary on any of these occasions. As far as I can see in the Bill these Ministers' Secretaries that are to be created to keep in touch with the Seanad will not be able to go to the Seanad at all unless they are members of the Seanad, because the Constitution is perfectly clear on the point. Article 57 says that every Minister shall have the right to attend and be heard in Seanad Éireann, but these Secretaries are not Ministers. The Bill is expressly called the "Ministers and Secretaries Bill." I, therefore, urge the President, if he wishes these Secretaries to go to the Seanad and explain the policy of the Government, to add a sub-section to Section 7 saying that these Secretaries shall be Ministers within the meaning of Article 57 of the Constitution. I think that is a very desirable addition to the Bill. Secretaries to Ministers are almost entirely a British invention. They came about as a result of one of the anomalies of the British Constitution. The British legislature consists of two water-tight compartments, the House of Commons and the House of Lords. No member of the House of Commons can sit in the House of Lords, and no member of the House of Lords can sit in the House of Commons. It was absolutely necessary therefore to have the more important Government Departments represented

[Major Cooper.]  
in both Houses so that where a Minister was in the House of Lords he was represented by a Secretary in the Commons and vice versa. That does not exist here, thanks to that wise provision in the Constitution that Ministers can attend the Seanad, and clearly the necessity for Secretaries is very much less.

I have been looking about for precedents for this Bill. I have gone beyond the resplendent figure of the Lord Mayor of Dublin and tried to find precedents in various foreign countries and in the other Dominions. I find that in only one Dominion is there any precedent for having both a Minister for Justice and an Attorney-General. I do not altogether like the provision for a Minister for Justice rather than a Minister for Home Affairs. If you call him a Minister for Justice I am afraid the tendency will arise to call the Attorney-General a Minister for Injustice—an extremely undesirable thing. In every other Dominion except New Zealand there is either an Attorney-General or a Minister of Justice, but none of them possesses both, and in New Zealand the Minister of Justice is also Minister of Industry, Commerce and Health, so that he performs a great many functions and does not confine himself to justice. The fact has been touched on by Deputies Figgis and Gorey that the President has no other portfolio. He was perfectly right to abandon the portfolio of Finance. That is such a responsible portfolio that he was right in doing so. I do think there was precedent for his taking some other office besides the office of President, and the natural office indicated in that direction is that of External Affairs. The Prime Minister of Canada is able to be Prime Minister of a Dominion double our population and more, and also Minister of External Affairs. Monsieur Poincaré is able to perform the duties of Prime Minister of France and also to act as Minister of Foreign Affairs, and the foreign affairs of France are at least as involved and intricate as those concerning the Saorstát. France has a Cabinet of fourteen, that is two more than us. Two of the Ministers, the Minister for

the Colonies and the Minister for the Liberated Regions, deal with problems we are mercifully not confronted with. We may have them later, when the Boundary Commission has sat. Until then we are free.

Germany has a Cabinet of twelve, including a Minister of Railways, which we have been spared. As to the smaller countries—I look to the smaller countries rather than to the larger countries like France and Germany—Denmark has a Cabinet of ten, including a Minister of Railways, and the Prime Minister there has another portfolio, that is, of Finance. Norway gets on with a Cabinet of nine, and there the Premier is also Minister of Finance. In Sweden the Premier, Monsieur Branting, is Minister of Foreign Affairs as well and has a Cabinet of twelve, without, as far as I can discover, any Under-Secretary. Switzerland, which is perhaps the closest parallel of all, has a Federal Council of seven Ministers and a President and Vice-President, and these Ministers get £1,000 per annum each, or £200 less than the Secretaries are to have under this Bill.

I am not, as a matter of fact, attacking the Government on the plea that the salaries in the Bill are excessive. There is one omission I notice. The salary of every other Minister is laid down in the Bill, but the salary of the Attorney-General is not laid down. I do not know if he proposes to do anything so grossly unprofessional as to work for nothing, but I think it would be desirable to indicate what the Attorney-General is to receive. He belongs to a highly-paid profession. I am not suggesting that he should receive a small salary. I think he should receive a salary at least as high, if not higher, than that of the Ministers. I should be prepared to give him the same salary as the President. Perhaps the President could answer what the salary proposed to be given is. We will leave it for the Committee Stage.

I turn from Europe—where Cabinets, on the whole, as I have shown, are not larger and, in some cases are smaller than our own—to the various British Dominions which form a certain parallel with ourselves. I take Canada first. It must be admitted that Canada,

which is our exemplar under the Treaty, has set us a very bad example. The Canadian Cabinet is large, unquestionably, but Canada has two particular problems to deal with. In the first place, the Canadian Constitution is a Federal Constitution, and every State in Canada—at least every large and important State—feels entitled to a Minister in the Cabinet. Secondly, they have the bi-lingual problem of the French-Canadians, particularly in Quebec, who also insist on a large representation. Therefore, the Canadian Cabinet consists of sixteen members as against our twelve. That includes a Minister for Railways, a Minister for Immigration—immigration is not one of our problems at the present time, though emigration may be—a Minister for the re-establishment of soldiers in civil life (while I should not be sorry to see such a Minister here whose duty it would be to see ex-soldiers are resettled, we have not got one)—a Minister without Portfolio, and a Minister of Marine. So that, taking away these five, the Canadian is eleven against our twelve. They have got three Under-Secretaries instead of the seven proposed here. One of these three Under-Secretaries is for the re-settlement of soldiers in civil life. To come to South Africa. South Africa is a wealthier country, I think, than we are. Our gold and diamonds have yet to be discovered. South Africa is able to manage with a Cabinet of ten, including a Minister for Railways and a Minister for Lands—the lands in the Government hands—so that, properly speaking, they have eight as against our twelve—Interior, Health and Education are all combined there. Australia again gets on with a Ministry of eight, and it has two Assistant Ministers, who may be taken as Under-Secretaries, I think.

There are also three other Ministries—Repatriation, Works and Railways—so that they have eleven Ministers all told. But they have eight as compared with our twelve doing the same functions, and they have only two Assistant Ministers. There is a provision in Australia, which I venture to think is a very desirable one, that the total salaries of Ministers and Assistant Ministers is not to exceed £15,300 a year. As far as I can make out, under this Bill, our

expenditure is going to be about double that, assuming that all the provisions of the Bill are going to be carried out and assuming that the Attorney-General is paid commensurately with his merits. Assuming that he receives a salary equal to that of the President, we shall be spending £30,400, and Australia spends £15,300. What is more remarkable still, the United States gets its Government for £30,000, or £400 less than we are proposing to spend under this measure. There really seems a slight lack of proportion there. The one Dominion I have not dealt with is New Zealand. New Zealand has a Cabinet of nine; there Justice and Industry and Commerce are combined. We have to add Railways, without portfolio. They have in all nine Ministries, as compared with our twelve. The salaries of these Ministers, with the exception of the Prime Minister, is £1,170, or £30 less than we are proposing to give our Secretaries. It is a better-paid business to be a Secretary in this Dáil than to be a Cabinet Minister in New Zealand.

I have gone into these points, because I do think when we are laying down the scaffolding on which the fabric of the State is to be built up we should take the widest possible view and consider every possible method by which expenditure can be reduced and by which the thing can be put on a good and secure footing. I would like to make an alternative suggestion. I am not opposed to the appointment of Secretaries, but I think the salary is too high. I believe we would have done better if we had had more work done by Secretaries and less by Ministers. It is easy to elevate a Secretary to a Minister, but it is not so easy to change a Minister into a Secretary. I should like to see in the Executive a President who would be responsible for External Affairs, and who would have a Secretary to deal with External Affairs. I may say that my suggestions are not intended to affect any individual. I should be quite willing to see existing Ministers continuing, but vacancies when they occur should be filled by Secretaries. Then I would have the Department of Justice and the Department of Internal Affairs put under a Minister for Internal Affairs, and have

[Major Cooper.]

Secretaries for Local Government, Commerce and Industry and Posts and Telegraphs. I believe the Minister for Internal Affairs could exercise a general supervision over these Departments as well as doing the work of his own Department. I would give the Minister for Defence a Financial Under-Secretary because of the commitments of that Department for the last year or two. The claims against the Department are enormous, and it might, as a temporary measure, be desirable to have special provision there. The Minister for Finance, I think, could not subdivide his functions. The Minister for Agriculture might have a Secretary who would specialise in Fisheries. Also, you would have the Minister for Education in the Council and the Attorney-General, and it might reasonably be said, with a view to co-ordination, that there should be a Parliamentary Under-Secretary to the whole Council. That would give you seven Ministers and seven Under-Secretaries, and it would mean a very considerable saving. One point occurs to me. Assuming that only a small proportion of these Secretaries are to be found in the Seanad—the average Senator is not the kind of person who would desire office, as he has got business affairs of his own that would make it impossible for him to take up this work—you are going to take 19 salaried Ministers out of an Assembly that is only 100 strong, and if we anticipate, as we may, that the dominant party will naturally and rightly appoint these Ministers, from their own party, you are going to take 19 paid officials out of a party of little more than 60. It does seem wrong. I remember criticisms being directed against the British Cabinet during the European war because of the number of Parliamentary Private Secretaries. They had something like 50 out of 350 members holding office and in receipt of pay in the House of Commons: that is one-seventh. By this Bill it is proposed to have one-third of the dominant party in receipt of salaries or holding office. I hope I am misreading it, but that is how I read it. I do not dispute for a moment what the President asserts when he says the Ministers are over-

worked. I have every sympathy with the Ministers. They have been through a hard time, and they are, I think, overworked; but the reason, I think, is not that there are not enough Ministers, but that their offices are not properly organised. Again and again we find—I certainly find it—that in order to get anything out of a Government office it is necessary to go to the Minister. If you go to the Minister you get a thing done. In order to get every 2½d. thing attended to and every small claim of a constituent dealt with, you must go to a Minister. You will write letters, and you will receive postcards of acknowledgment, but unless you put a question definitely to a Minister you cannot get anything done. That is wrong; it is a symptom that there is something wrong in the whole organisation of the offices. It is not fair to Deputies to be continually dragged into these affairs by their constituents. It is not fair to Ministers themselves. Their attention is being dragged away from things that are of real importance to attend to matters of departmental detail. If their Departments were properly organised, if the Heads of them—the responsible Civil Servants—were properly organised and we had the thing running smoothly, it would not be necessary. I believe the remedy for this excessive burden that rests on the shoulders of Ministers is to be found, not in the creation of more Ministries and more Secretaries—remember that every one of these Secretaries will have a staff of his own and will have a Private Secretary and a number of people to keep him in touch with the affairs of Government—but in the re-organisation of the offices. I should be very glad if it were found possible to give us a rest from legislation of every kind next year. Let the Ministers organise their offices and let us concentrate on the Estimates and cutting down of expenditure. I believe in that way we shall do far more good than by creating these extra Ministries.

**Captain REDMOND:** Owing to the very short time at my disposal for going through this Bill, I 3 o'clock. have not had an opportunity of carefully studying it. I, for one, regret it was not possible to

postpone the Second Reading of this Bill until some time next week. I am afraid the habit is rather growing in this Chamber of regarding the Second Reading of Bills as merely a formal process, whereas, so far as I understand our procedure, it is not to be looked upon in that light. When a Bill is introduced the first time, true enough, it receives a general assent. But upon the Second Reading, Deputies generally should have an opportunity of going into any details they may desire by way of criticism. Personally, I should have favoured disposing of the Governor-General's Address before proceeding with any legislation. I consider that it now being two months since we listened to the Governor-General making his Address, which should be—and, I presume, was—the then considered policy and programme of the Government, that it is not right that that Address and that policy and that programme should be spread over such a length of time and so much of a Session that at any moment, as has actually occurred in this instance, the Government may by subsequent statements enlarge upon or otherwise alter their original programme. However, the Dáil has thought fit, through the Government, to deal out the Governor-General's Address piecemeal and interlace it with various forms of legislation. I, for one, certainly do not complain of delay in the introduction of the measure at present before us. During the last year, true enough, owing to very many reasons and through no fault of their own, the Government had to introduce in a rather hasty fashion many legislative proposals. But I say that that time has now gone; the time for hasty legislation has ceased. In future the policy of the Government should be rather *Festina lente* in regard to legislation. The Bill that we are now considering is of the utmost gravity and importance. I think that it is really a corollary to our Constitution, and while that necessitates its introduction without any unnecessary delay, I think that it further necessitates every possible scrutiny and care.

It is proposed to set up certain Departments of State. That, of course, cannot be quarrelled with. Amongst

those Departments we find various designations, and in the Schedule we find the various items that will be attended to by different Ministers. A Department of Justice is to be created. With that also I am in complete accord, but, like the previous speakers, Deputy Johnson in particular, I fail to see—and I think we deserve an explanation on this point—why the Attorney-General is set down in this Bill, or in what capacity he is set down. Is he to be a Department, is he to be a Minister, or is he to be the Legal Adviser of the Crown? In other Dominions, and also in Great Britain, the Attorney-General is the Legal Adviser of the Crown. The complete executive authority in this country, by the terms of the Constitution, is expressly vested in the King, and I would like to have explained what is the nature of the Ministry, if any, which the Attorney-General will represent and speak for in the Dáil. Why is he not included in the Ministry of Justice? Is it because—I do not for a moment suggest that it is, but it might possibly be—that the present Minister for Home Affairs, who is to be the new Minister for Justice, and the present Attorney-General might find it rather difficult to know, if they were both in the same Ministry, who should be on top?

I do not know any other reason, and I think we are entitled to an explanation. The Attorney-General in other Parliaments—apart from his position as representative in those Parliaments—is there merely as a Legal Adviser. What I want to know now is: Is our Attorney-General in the future, leaving aside questions of present personnel, to sit in the Dáil as a Minister for a department, and what salary he is to draw—there is no mention, by the way, of the salary of the Attorney-General. In what capacity is he to sit in this Chamber?

So far as the Department of Local Government is concerned, I am in no disagreement with the proposals to place matters other than those strictly applicable to Local Government within its purview, because, in my opinion, our object should be to curtail Ministries and have as few as possible, instead of creating separate Ministries for every

[Captain Redmond.]

item of administration. It is true that it would be very desirable to have a Ministry for Health, but I contend that we are not yet in a position when we can afford to create these entirely separate Departments. Because it is not only creating one Minister; possibly the salary of the head of the Department is only a very, very small item in the final expenditure on that department. It is not merely creating an extra salary, but it means the setting up of separate staffs and separate administrative bodies. Therefore, I have no objection to the inclusion in the purview of the Minister for Local Government of questions affecting health.

There are two departments which, in view of the pronounced policy of the Government in regard to retrenchment, I think should be scrapped, and scrapped without delay. The Dáil is already aware that I am in favour of the scrapping of the Ministry of Fisheries. The subject matter of that Ministry is of the utmost importance to this country. But, again, let me impress upon Deputies that if a country with more than ten times our population, and I am afraid a good deal more than ten times our wealth, does not run a separate Ministry of Fisheries but is satisfied to have matters affecting its fisheries controlled by its Minister for Agriculture, surely we, in this infant State, might be able to adopt a like course. The other Department that I refer to is what is styled "The Department of External Affairs." Really, I think everyone must admit that we have heard very little of or from the Department of External Affairs. I entirely agree with Deputy Figgis' remark that all inter-State matters should be dealt with in this Chamber by the President of the Executive Council. The Minister for External Affairs, it appears—though, mark you, there is nothing in the Schedule about this Department, which is rather striking—also looks after what is known as the Publicity Department.

Well, now, I take the greatest objection to this Publicity Department. I take objection to it on strictly constitutional grounds. I say that no Government should have at its back a

publicly paid Department, which they can use, and which I am afraid has been used in this case for nothing but purely party propaganda. It is just the same thing as, during election time, Ministers utilising Government machines for electioneering purposes. I say that the Government should abolish this Publicity Department. It is not a Department of Publicity. I know so little about it that I think it is a Department of hush. However, be that as it may, I say that it serves no useful purpose, and in the future, as I am afraid somewhat happened in the past, it may serve a very dangerous and unconstitutional purpose. Therefore, from the point of view of economy alone, and for the reasons which I have also roughly outlined, there is no reason, I contend, why these two Departments could not and should not be immediately done away with.

Coming to the text of this measure, especially in regard to Section 7—and here I may say that in my opinion Sections 7 & 8 are the two most important and probably the two most controversial Sections of the Bill—I would like, if I may, in a very short time, to give my impression to the Dáil as to the establishment of what are called here Parliamentary Secretaries. What are meant by Parliamentary Secretaries? In other Parliaments there are Parliamentary Secretaries paid and unpaid. The paid Parliamentary Secretaries are usually styled Under-Secretaries for the various Departments. From the nature of these proposals in this Section it is obvious that what the Government proposes to do is not to create Parliamentary Secretaries, but to create Under-Secretaries who shall act as Ministers and share the Ministerial responsibility of the Government. It has been stated that for some time Parliamentary Secretaries—I do not know what they were called—rendered very useful services in administering Departments. Well, I grant all that. But why call them Parliamentary Secretaries? Why raise them to the status of Under-Secretaries, and treat them as Ministers? Why not have them paid Secretaries of those individual Ministries for the purpose of administering the Departments, and not,

as is suggested here, for the purpose of taking the Ministers' places in the Dáil? There is great need for national economy as has been especially shown during the course of the debate during the last couple of days. I think that it is really asking too much of the Irish people to swallow the suggestion that the Government—who yesterday cut down old age pensions and teachers' salaries and who to-day propose extra Ministers, because that is what the proposal is—is embarking seriously and sincerely upon a policy of retrenchment.

Now this matter will not rest here. It will be debated in Committee. So I will leave it for the moment. Coming to Section 8 I notice that a Council of Defence is to be set up, and that that Council shall have for its Chairman a Commander-in-Chief; and that Commander-in-chief is to be the same person as the Minister for Defence who has a seat in this Dáil and is to be responsible to this Dáil and to this country for the conduct of the Army. In the first place let me say that this proposal seems to pre-suppose that we are always going to have a Standing Army in this country; a Standing Army in its strict and literal sense and not a Militia Force. That is a conclusion which, I venture to say, should not have been come to without careful discussion and deliberation and decision by this Dáil.

In the second place, it is a proposal which, to my mind, undermines the Constitution. For if there is one thing apparent in our Constitution, which I am glad to say is very largely a borrowed one, it is that the Military Force, whatever it may be in this country at present and in the future, shall be subordinate and subservient to the Civil Authorities. I think it is an exceedingly bad precedent, and I think it is an uncalled-for departure from previous customs, to have a Minister in this Dáil part and parcel of the Armed Forces outside this Dáil. It has been recognised in all Parliaments throughout the world that no Military Officer as such shall sit in that Parliament. That principle has been departed from in time of war. But we are not at war now, so we are told. Neither are we, I hope, preparing for a time of war. Therefore, I think that it

is a bad thing for the future Constitutional position of this country, as a constitutional democratic State, to have a person specifically styled by Act of Parliament Commander-in-Chief sitting as a member in this Dáil. But I do not really know what is the purpose of this proposal.

I am certain of this; there is more in this than meets the eye. An ordinary person reading this Section would not be able to understand why there is this anxiety to have a Minister for Defence styled Commander-in-Chief. As far as I am aware, and I have had a little Army experience, there is only one Commander-in-Chief in this country, according to our Constitution, and that is the King, because this Army is the King's Army. That may not be palatable to some of us, but it is the fact. That being so, I do not see why there is the necessity of having this Minister here being styled, I will not say styling himself, Commander-in-Chief and this outside Council to assist him. There should be one authority and one authority alone to deal with all Departments in this State, whether Civil or Military, and that is the Civil authority of Constitutional Government. I could go through very many more of these Sections if I so desired. But as I said in the beginning, I have not had the time to study carefully every aspect of this Bill, and I very much deprecate, therefore, the very hasty manner in which it has been brought forward. I think it would have been much preferable and more in the interests of all concerned if a little more time could have been given to its perusal before we took the Second Reading. There are many things that I disagree with in this Bill, but there are many things also that I agree with. The latter decidedly outweigh the former. There is a necessity for the introduction of this Bill. I hope considerable time will be given to its careful scrutiny and discussion in Committee, and that when it emerges from that stage it will be truly the expressed will of the members of the Dáil who want to see a constitutionally governed country in the future.

**General MULCAHY:** Dealing simply with Clause 8, the first portion of the Clause states very distinctly and de-

[General Mulcahy.]

finitely "There shall be and there is hereby constituted a Council of Defence to assist the Minister for Defence in the administration of the business of the Department of Defence, but without derogating from the responsibility of the Minister for Defence to the Executive Council, and to the Oireachtas, respectively, for all the administration and business of the Department for Defence and for the exercise and performance of all the powers, duties and functions connected therewith." It will be quite clear from that Clause that there is no portion of the work of any person, in the Army or in the Ministry of Defence, that is not delegated to that particular person by the authority of the Minister and the authority received by the Minister from the Oireachtas. I hope that before we are through with this Bill it will be quite clear to everybody in the Oireachtas that there is not any proposal here to have a serving Military Officer taking part in the deliberations of this Dáil or a member of it; that the Minister who will be in charge of the Department of Defence will be a civilian pure and simple; and that in vesting in him the title of Commander-in-Chief, which title and position has actually existed here and may exist again in time of national emergency and warfare, you are simply vesting in him a title which in peace times must lapse.

**AN CEANN COMHAIRLE** resumed the chair at this stage.

**General MULCAHY:** You are vesting it in the responsible member of the Executive Council, simply for the purpose of vesting the title in a body in whom the Command-in-Chief of the Army is vested and must always be vested. In speaking no doubt we use words and adjectives, perhaps possessive pronouns, that we are accustomed one way or the other to use, and when I speak of the Army here, and when I think of it, I think of it as the Army of the Oireachtas which it is by the Constitution. The proposal definitely naming this Council of Defence in this Bill is I think a wise one. The Ministry of Defence is a peculiar Ministry.

Its organisation is very intricate. It has to fulfil peculiar functions. Now, the persons who are named here are the Chief of Staff, the Adjutant General, the Quartermaster-General and, what is proposed here, a finance member, because this Parliamentary Secretary, who shall be responsible to the Minister for Defence for finance, might more properly be called the finance member of the Defence Council. Those four persons are heads of Administrative Departments that go to make up what is called a Ministry of Defence. The Minister, as Chairman of that body, is a civil member of it. He is the person on whom rests complete responsibility for the Ministry. The other members of the Council, as individual heads of Administrative Departments, will have certain very clearly defined duties. Roughly, the Chief of Staff will be responsible for military policy and for the training of his Army. The Adjutant General will be responsible for providing him with his Army, disciplining it and setting out necessary rules of conduct. The Quartermaster General will be responsible for provisioning the Army, whether with accommodation, with clothing, or with food, and the finance member of the Defence Council will be the head of an Administrative Department charged with control of finance. I think it will be appreciated, when we go more deeply into the matter, that there are very many grounds why the person responsible for the administration of the department of Army Finance, should be an elected member of this Dáil.

It would certainly give you greater security that Finance problems are properly thought out, and that the whole scheme of Finance of the Army receives due consideration, and receives it at the hands of a person who is not a mere official. The Minister himself must of necessity be relieved of the mere detail needed in that particular work while not being relieved in any way of the ultimate responsibility for it, because, first, he will, no doubt, give his primary consideration to secure that the Army machine is efficient, and when an Inspector-General's Department will be set up, when inspection is not half



inspection and half organisation, you will come to the time when the Inspector-General will be responsible to the Minister for Defence also.

**Mr. DARRELL FIGGIS:** Will the Minister for Defence explain whether the Minister for Finance is to be responsible to this House for the Finance of the Army, or is it the Financial Secretary to the Army who is to be responsible to this House for Army Finance?

**General MULCAHY:** That is not so. The Minister for Finance will be responsible for the whole finances of the country.

**Mr. DARRELL FIGGIS:** I am talking of the finances of the Army?

**General MULCAHY:** The financial member of the Defence Council will be responsible through the Minister for Defence for the finances of the Army.

**Mr. DARRELL FIGGIS:** That is a very grave statement, indeed.

**General MULCAHY:** In their individual capacities, I say that they are heads of Administrative Departments. I fail to see the Deputy's point that because the financial member of the Defence Council is responsible for the finances of the Army through the Minister for Defence, that that relieves the Minister for Defence of his responsibility to the Minister for Finance in Army matters.

**Mr. DARRELL FIGGIS:** My point is, that in respect of Finance for all the services the Minister for Finance is responsible to this House, and that no service is separately responsible for its finances except through the Minister for Finance.

**Captain REDMOND:** May I ask the Minister for Defence if this is what he means, viz.: that in Council the Minister for Defence shall have the Financial Secretary to the Council responsible to him for the amount that is allowed to him by the Minister for Finance?

**General MULCAHY:** Yes, as well as being the Head of an Administrative Department, each man is responsible directly to the Minister for his own par-

ticular Department. As a group they form a Council of Defence to advise the Minister—a Council analagous to the Army Council in Great Britain. As well as that, the organisation of the Defence Department on top has to be in a position to provide you from the three Military Members, viz.: the Chief of Staff, the Adjutant-General and the Quartermaster-General, with what would be called a General Headquarters, actually there in existence and ready for any national emergency, and over which the Commander-in-Chief could be appointed. They would have particular sides to their minds that would enable them to discharge efficiently and with economy their duties from the general administration point of view of the Ministry of Defence; they would be able to turn around and act as Chief of Staff, Adjutant-General and Quartermaster-General to a Commander-in-Chief actually appointed in the field.

It is very unfair, I think, to those people who have shouldered the responsibility during the last five or six or ten years in Ireland to charge them in any way with a tendency to be possessed of or to develop a spirit that ordinary persons working on the civil side do not count. It is a fact that to a very large extent, the responsibility did rest with persons who held military positions in pre-Truce days, and not only did peculiar military responsibilities rest with certain persons then, but very peculiar civil responsibility rested with them. I think I have on more than one occasion here drawn attention to the fact that there was no group of persons in the country in the two or three years preceding the Truce who had a greater respect or a greater appreciation of the duties and positions of persons who held purely civil authority than those who were at the head of the Army. I might also say of the more junior commanders here and there through the country that there is plenty of documentary evidence available in correspondence and memoranda that will show that in time. As I say, it is not fair and only prejudices an understanding of things when statements like that are made here. The actual position is, that you will have a civil Minister. It is perhaps as well to

[General Mulcahy.]

have a Council of Defence. You must have it, and it is not a vocational Council. It is perhaps as well to have a second civil member in that Council who will be a representative in this House and who will be charged with the peculiar responsibility of Finance. As well as that, you will have three military members, and because that particular Council is mentioned in the Ministers Bill here I do not think that that vests the Minister for Defence with any special authority not equally held by any other Executive Minister—in view of the understanding in the law laid down that there is general responsibility in the Executive Council which does not vest the Minister with any special authority and which does not raise the Army to any special pinnacle of pomp that in the ordinary way it is not entitled to. It is mentioned here in order to indicate in the Ministers Bill the essential parts of the Ministry of Defence as distinct from Army organisation pure and simple which will be dealt with in the Defence Force Bill.

**Mr. HEWAT:** I rise with a growing sense of my own importance. I listened yesterday to the Minister for Agriculture when he very kindly described me, in contrast to my friend, Deputy Johnson, as being the leader of the employers. I was not aware that I had a large following behind me on these benches, but I fully appreciate the importance of his remark, and, after all, if there is one man in the Dáil that ought to know the lie of the land, it is the Minister for Agriculture. Now, in my new capacity, I think I see behind the Government benches quite a few men that I could ask to change over and range themselves behind me. That, I think, has a quite important bearing on the position that I take up on this matter. But when I add to that and say to this august assembly that I am largely in agreement for once in a way with the remarks that I have heard falling from the lips of Deputy Johnson, the Leader of the Labour Party, I think the Government must, of necessity, take cognisance of the seriousness of the position on this matter that has been very fully discussed to-day. Speaking in my new capacity, I would ven-

ture to suggest to the Government that the passage of this Bill would be facilitated enormously by the deletion of Sections 7 and 8. These two Sections embody principles that, I think, in this particular case of emergency, should be left out or dealt with in some other way. This Bill probably has had an exceptional experience in having such a prolonged debate on the Second Reading. This Bill, that is essentially important, should go through with as little controversy as possible. Therefore, I would respectfully suggest that, at all events, between this and the Committee Stage, the Government should seriously consider if they cannot fall in, in some way, with the express desire of a large number of Deputies in this Dáil. This question of Parliamentary Secretaries comes up at a very unfortunate time. I am not going to criticise and say whether it is right or wrong, but I think it comes up at a singularly inopportune time, and I think the Government must recognise that. Section 8 covers a matter about which, to say the least of it, there will be a considerable difference of opinion, and I think no good purpose could be served at this stage by forcing through a Section of that kind in a Bill designed for the purpose of fixing Ministries. The only other thing I would like to say, in emphasis of this, is that when I find myself in agreement with Deputy Johnson, and when "him and me is friends," I carrying behind me all the employers and he carrying behind him all labour, well, I think nothing else matters, because we will have settled everything.

**Mr. O'CONNELL:** There was just one point arising out of an interruption by Deputy Figgis during the speech by the Minister for Defence, that I would like to see definitely cleared up, and that is the position which this financial member of the Army Council will occupy. I wish to know if there is to be any differentiation as between the Ministry of Defence and other Ministries in this connection. The reply given by the Minister for Defence seemed to imply that, assuming two or three millions, or whatever the sum may be, were voted or provided by the Minister for Fin-

ance for the Army, that then it will be the business of this new financial member to be responsible to the Dáil for the administration of that sum. If that is to be the case, I think that it is introducing a new principle, a principle which, in any case up to the present, has not been introduced, although it is possible it might be a good principle. Take, for instance, the Ministry of Agriculture or of Education. The Minister is not allowed by the Minister for Finance to spend the sums voted to the Ministry he is in charge of in any way he pleases. The Ministry of Finance is continually supervising the actions of particular Departments of particular Ministers. Is that, I ask, to be the case in this particular instance? I think it would be well if that point were definitely cleared up.

**MINISTER for FINANCE (Mr. Blythe):** It really does not interfere with the functions of the Minister for Finance in any particular. All expenses will have to be sanctioned, as well as all new expenditure. No expenditure under any sub-head of a Vote can be taken out of that particular Vote, and the other precautions that exist to check expenditure will continue to exist in the case of the Army.

**Mr. JOHNSON:** Are the same functions exercised by the Minister for Finance with regard to other Departments to be exercised by the Minister for Finance as regards Army expenditure?

**Mr. BLYTHE:** Yes, exactly the same. The proposals will have to be put up and sanctioned by the Minister for Finance.

**Mr. JOHNSON:** Is it proposed to have Financial Secretaries to answer for every Department in the Dáil?

**Mr. BLYTHE:** No.

**Mr. DARRELL FIGGIS:** Do we understand that it is the Executive Minister that is responsible to the Dáil in respect of the monies voted by the Dáil, and therefore that it is the Minister who is responsible and not any member of the Finance Council?

Vol. 5.

**Mr. BLYTHE:**

**Mr. DARRELL FIGGIS:** That entirely conflicts with what the Minister for Defence said in regard to the Army Finance Secretary.

**MINISTER for AGRICULTURE (Mr. Hogan):** It must be a great consolation to Deputies in the Dáil, and in fact to the Press and critics outside, to have something to talk about which they can misunderstand and misinterpret, and generally spread themselves with a formal show at least of plausibility and without any thought. The Ministry of Fisheries has not been treated fairly. Deputies have got up and deliberately made statements which are not in accordance with anything that we have proposed in regard to that Ministry, or in accordance with any policy in regard to that Ministry that is in any document before the Dáil. We are told it is a terrible thing to constitute a Department of Fisheries. The Department of Fisheries always existed, and I hope the Press will take a note of that; and I also hope that Deputies will not repeat that charge again. We are not setting up a new Department, because the Department of Fisheries always existed.

**Captain REDMOND:** Are you not setting up a new Ministry?

**Mr. HOGAN:** We are making it possible to have a Minister at the head of the Department of Fisheries.

**Captain REDMOND:** That is very much the same as setting up a new Ministry.

**AN CEANN COMHAIRLE:** Perhaps the Deputy would allow the Minister to continue his speech?

**Mr. HOGAN:** I would also suggest that Deputy Redmond would make his meaning clear when speaking, and not attempt to make his meaning clear when somebody else is speaking.

**Captain REDMOND:** I have made my meaning clear, but somebody else is referring to a thing I did not suggest or say

**Mr. HOGAN:** Is it suggested that

[Mr. Hogan.]  
there should not be a Department of Fisheries?

**Captain REDMOND:** No, a Ministry of Fisheries.

**AN CEANN COMHAIRLE:** Perhaps Deputy Redmond will remain silent.

**Mr. HOGAN:** Deputies have got up one after another and talked about the setting up of a Department of Fisheries. Is it suggested that there should not be a Department of Fisheries? Does Deputy Figgis, who takes a great interest in fisheries and fishing, suggest that there should not be a Department of Fisheries?

**Mr. DARRELL FIGGIS:** When that question is put to me, even though it is only a rhetorical question, I am entitled to reply. I have been asked a question by the Minister, and my answer is that in a Ministries Bill the Department of Fisheries should be allocated to some existing Minister, rather than create a new Minister for it.

**Mr. HOGAN:** Deputy Figgis, like Deputy Redmond, should have stated that while he was making his speech; he did not state it. I listened to him for a quarter of an hour, and his speech was simply a railing at this Department of Fisheries, as he used the word, and, of course, the implication is that we are setting up a new Department with new officials, new Executive officers, and new clerical officers, all at the public expense. Deputy Figgis knows perfectly well that that is not so. Every Deputy knows that there was always a Department of Fisheries attached to the Congested Districts Board. An arrangement is now being made by which a Minister will be responsible for that Department. We can afford to disagree about the wisdom of that course, but let us agree to differ on the real issue. The real issue is whether it is worth while putting one man in charge of what Deputy Gorey said was a most important service in this country and, what no one can deny, is a most important service; whether a man should be individually responsible for that, giving all his time exclusively to it, and

not having his time taken up with questions of agriculture, questions which really are quite enough for any one man; with industrial and commercial questions, which are also quite enough for one man; giving his whole time to what is equally the work of any one man, no matter how competent he is—the development of the fisheries of the country. That is the issue, and not whether a Department of Fisheries should be set up. Everyone knows it; there is no use in repeating it again. Let us have the facts anyway. Deputy Gorey said truly that it is a most important service. It is a most important service. The point which Deputy Redmond made, that England is ten times as wealthy and has ten times the population is a point, like the flowers that bloom in the spring, that has nothing to do with the case. The importance of fisheries to a country like this cannot be judged by the importance of fisheries to a huge industrial country like England. I would like to hear any Deputy of any party—he would be brave—alleging that the fisheries of this country are not such an important service as to justify the attention of any single Minister.

**Captain REDMOND:** Certainly they would not; we cannot afford it.

**Mr. JOHNSON:** I accept the challenge, that it does not justify the appointment of a special Minister.

**Captain REDMOND:** At the present time.

**Mr. HOGAN:** We have something clear anyhow. We have the issue knit as to whether one man is to be appointed to look after fisheries. That is the whole issue.

**Mr. JOHNSON:** As Minister.

**Mr. HOGAN:** As Minister—and come here to the Dáil and speak for it, take full responsibility, and have no excuse for negligence. We have at least the issue knit. I hope that is understood. It is not a question now of setting up a Department, but it is a question of putting one man in charge of fisheries, who shall speak for that service in the Dáil and be responsible for it.

**Mr. JOHNSON:** As Minister.

**Mr. HOGAN:** I think that is worth whatever salary will be paid the Minister. I agree with Deputy Gorey that fisheries have been neglected. I do not care how much or how little money the State is able to put into fisheries at the moment. The efficiency of that Department can be increased, and any man at the head of that Department who gives his whole time to it will give returns to the State which will be well worth his salary. That is our case in this matter. I want to point out, further, that under this Bill any Department can be amalgamated with any other Department without extra legislation and put under one Minister. I do not think anything could be fairer than that. I do not think the question arises here as to whether there should be a Ministry of Fisheries if once Deputies admit that in the near future a Ministry of Fisheries might be necessary. This Minister's Bill does not propose to make mere temporary arrangements. It proposes to make fairly elastic arrangements in regard to the organisation of the services of the State, not temporary arrangements, but arrangements which will last for a long period, and which, I take it, will be only changed gradually by Acts of Parliament which will be passed with reference to specific problems. We say there is a necessity now for a Minister who will take sole charge of fisheries. We are certain, and I would like to hear Deputy Johnson on the question, that in the near future when more money can be spent on it, a Ministry of Fisheries will be necessary, and can be justified. We think so, and there is very little between us. It is not a question of a Department of State and of money being thrown away. Is it suggested that the fishery service should be given in charge to the Minister for Agriculture? If so, why? What has Agriculture to do with it? It is another example of the fact that it is easier to take what you hear than do a little thinking for yourself. Fisheries were administered by the Department of Agriculture before the Treaty was signed. So was technical education, including the teaching of French, Irish, shorthand, book-keeping, plumbing and carpentry. So was the School of Art.

The head of the Department of Agriculture was supposed to run the School of Art and look after the teaching of painting, the National Museum and the National Library. No one suggests that the School of Art should be left to the Department.

**Mr. JOHNSON:** No one suggested that they should appoint a new Minister.

**Mr. HOGAN:** Deputy Johnson returns to that point. I have gone a little further now. We have dealt with that. No one suggested that the School of Art should be left to the Minister for Agriculture, and yet the only reason advanced for leaving fisheries to the Department of Agriculture is that the service was always there. That is what it comes to. If Deputies want to be helpful I would suggest that they should address themselves to the question:—(1) Is a Ministry of Fisheries justified? (2) if not, to what Department should fisheries go? Let them give us their reasons and then we will get at things much more quickly and may get results. There is no question about it, the Department of Agriculture should not control technical education. Education should control education. Deputy Johnson mentioned the appointment of Parliamentary Secretaries and its bearing on the Extern Ministries. The Section reads:—

“The Executive Council may from time to time, on the nomination of the President of the Council, appoint so many persons, being members of the Oireachtas and not exceeding seven in number, as the Executive Council shall consider necessary, to be Parliamentary Secretaries to the Executive Council or to Executive Ministers.”

The Deputy pointed out that that was leaving out Extern Ministers and that was a thing he did not approve of. He thought that the Extern Ministers were entitled to the same assistance in that respect as anyone else. I think that paragraph is quite sound. I do not think the Executive Council would be entitled to appoint Parliamentary Secretaries for Extern Ministers. It may be that later on Parliamentary Secretaries will be required by Extern

[Mr. Hogan.]

Ministers. If so the machinery will have to be provided. I do not think it would be in the spirit of the Constitution that the Executive Council should be entitled to appoint Parliamentary Secretaries to Extern Ministers.

**ATTORNEY-GENERAL (Mr. Kennedy):** There are a few observations that I want to make on this Bill but they will not occupy the Dáil very long. Before coming to the matter that perhaps I would be expected to address myself to more particularly, there are some other topics I wish to touch upon, even though it may keep at least one learned and gallant Deputy in suspense as to particulars of a certain office. There is one thing that will have struck everybody since the Treaty was endorsed by the people, and that is the fact that certain persons take a peculiar delight in trying to detract from the national status which has been attained by this country by virtue of that international Treaty. Persons who have not contributed in any way to attaining that very large measure of independent national status seem to think something is to be gained—I do not know what—in contracting, or seeking to contract, the position that this nation now holds. I understand this Constitution which has been enacted by the Dáil has been described as a borrowed Constitution. I did not catch whether it was stated to have been borrowed from any constitutional enactment of the year 1914 or subsequently, but it is, at any rate, the work of the people's Parliament here, and whatever aspersions may be cast upon it, it was thought out, thrashed out and discussed here by the people's representatives. When I heard Deputy Figgis commence by saying that the principle of this Bill might be taken to be admitted, because its principle was the establishment of Ministries, I was somewhat surprised, because I thought that that Deputy, of all others, would have remembered the Constitution.

The number of Ministers, the Ministers themselves, and their executive authority are contained in the Constitution. You could appoint twelve

Ministers under the Constitution, certain of them within the Executive group with joint responsibility, and certain of them outside that group with individual responsibility to the Dáil.

What does this Bill do? It performs the complementary function of taking the whole field of administration in this country and dividing it into its natural departments, or as near as we believe we have been able to reach. Valuable suggestions have been made for better organising these matters, but this Bill takes the field of administration of the country, divides it into its natural compartments, and enables these compartments of administration to be assigned either singly or in groups to the Ministers whose Executive authority and whose duty to execute the laws of the country is derived from the Constitution.

**Mr. DARRELL FIGGIS:** Is that not established?

**ATTORNEY-GENERAL:** No. The Ministers as Ministers, and the Executive as an Executive, rest upon the Constitution. Assigning to them particular branches of administration is the matter that is facilitated by this particular measure. It is not quite correct to assume that Schedules are the matters of importance to look to. In Section 1 the various administrative functions are set out by general description. The Schedules are not exalted Schedules. They merely take existing units of administration and assign them to the heads or divisions which have been described in general and comprehensive terms in Section 1 of the Bill. It occurs to me that some of the references that were made to the office of the President arose from a misunderstanding of that position. The President is, under the Constitution, the head of the Executive Government. He nominates the Executive Ministers. He will choose what Departments he will bring into his Executive, and usually they will be Departments with which policy will be largely concerned. He is the co-ordinating Minister and head of the Executive under the Constitution. As President, he does not necessarily take one of the Administrative Departments save in so far as some

branch or unit of administration, responsible to the Executive Council as a whole, may have that responsibility expressed to the Dáil through his voice as head of the Executive.

As regards the office of Attorney-General, that office is not the office of a mere legal adviser. As it has existed in this country, as it exists in Great Britain, and in each of the Dominions, it is an office that represents the Executive and the State in various legal proceedings. It is the business of the Attorney-General to defend public rights, for instance in connection with public rights-of-way, if they are invaded. The matter of charities has been mentioned by Deputy Johnson, and it is as representing the public as a whole that the Attorney-General has always appeared in proceedings relating to charities, it being his duty to see, on behalf of the State, that the public get the full benefit of charitable provisions and charitable benefits.

**Captain REDMOND:** Is he not instructed by a State Department?

**ATTORNEY-GENERAL:** He is not instructed by a State Department. He is the person who represents the Executive in Court. He advises the Executive in Chamber. He does not hold one of the Administrative Departments, and he is not one of the 12 Ministers under the Constitution. Though the office is usually described as a Ministerial office, it is essentially different from the office of Minister of Justice. The Minister of Justice is responsible for providing the machinery of the Courts, the police and the rest of the machinery which ensures the administration of law and the maintenance of public order. It is a fact, as Deputy Cooper has mentioned, but it is only an accidental fact, that in the various Dominions the office of Attorney-General is combined with other offices in a particular individual. It frequently happens in some of the Dominions that the Prime Minister himself holds the office of Attorney-General, and that elsewhere the Minister of Justice holds the office. It might be that the Postmaster-General would hold the office, but if he held the office, he would in relation to that particular office, act in a separate and in-

dependent capacity, performing quite independent duties. Under this measure it is quite possible that while two or three Ministries may be united in a particular person who may be capable of answering to the House for them, when another and more learned and certainly more gallant Deputy perhaps reaches Ministerial rank his more extensive administrative capacities will be utilised in the combination of this and other offices. But a Minister of Justice, as Minister of Justice, is responsible to Parliament for providing the machinery of the administration of justice and the machinery of maintenance of public order. If he also holds the office of Attorney-General he is responsible to the Executive and he represents the Executive in a wholly different capacity.

I remember in the last Dáil Deputy Gavan Duffy had some notion that the Attorney-General would be answerable to the Dáil for everything, including outside Ministries. That is not so. His office is purely associated with the Executive Government. On the acute question that the learned and gallant Deputy has referred to, I would refer him to the Estimates of last year, when his eager curiosity will be satisfied. I only want to say one or two other words on the other provisions of this measure. As regards the question of Parliamentary Secretaries, Deputy Johnson will realise—we certainly realise it—that this House does not contain, as other Houses do, scions of the great capitalistic houses who eagerly assume the office of Parliamentary Secretary, as a method of displaying their political figures in the public eye. If Parliamentary Secretaries are created here, they will be created for the purpose of doing certain work and of performing certain services. As I think everybody here is a worker for his ordinary living, if certain Deputies are required to discharge these duties, which will absorb their time, the circumstances require that they should receive some stipend. But that remuneration is not as Deputy Gorey said to be no less than £1,200. It is that it is not to exceed £1,200. When you read that in the light that the salary so to be provided, not exceeding a sum which

[Attorney-General.] may be sanctioned, will come up annually in the Estimates in the manner in which it is provided in the Bill, there will be an annual opportunity for discussing it, and the position will be very uncomfortable if an unreasonable arrangement has been made.

As regards another matter of detail that was mentioned, the Conservators of Fisheries have been grouped in the Department of Fisheries. The Bill contains provisions which will enable statutory bodies which now exercise administrative functions to be dissolved and merged in the administration by the head of the department. There are great difficulties in the matter of Conservators of Fisheries at the present moment, particularly in the North. It may turn out that it will be more desirable in this country to merge the administration by Conservators into administration by the Minister.

I might perhaps at this stage move the adjournment of the debate.

Debate adjourned.

**The PRESIDENT:** I move the adjournment of the Dáil until Wednesday.

#### COMMITTEE ON PRIVATE BILL PROCEDURE.

**AN CEANN COMHAIRLE:** There is a matter I want to announce in connection with the Report of the Joint Committee on Private Bill Procedure which was set down for to-day, in accordance with an order made on Wednesday. A question was raised as to the matter being a joint one with the Seanad and that we ought to pursue the same procedure as the Seanad. In the Seanad, owing to a similar feeling, it was decided that the Joint Committee would be asked to meet again and consider any amendments which Senators might propose. I would suggest to Deputies, therefore, if they have any amendments to the proposed Standing Orders, that they should send them in, if possible, before Monday evening, to the Clerk, and these amendments will be submitted to the meeting of the Joint Committee on Private Bill Procedure, which we propose to have on Wednesday next. I would also like to add, if Deputies are very interested

in particular amendments, that they might, if they think fit, appear before the Committee and put the case for their amendments before it. The time and place for the meeting of the Joint Committee will be communicated to Deputies who send in amendments, if the amendments are sent in sufficient time. In that way we may have an amended report which would meet with general approval.

**Mr. DARRELL FIGGIS:** Arising out of your statement, I notice that the Seanad fixed Monday. This being Friday, Monday would be rather short notice for members of the Dáil. Would it be possible to receive amendments until Tuesday mid-day, leaving the whole of the afternoon for preparation?

**AN CEANN COMHAIRLE:** Yes, if Deputies will take it as notice now that the Committee is meeting on Wednesday, at 11.30, here. The orders have been in possession of Deputies all this week.

Deputy Baxter has given notice that he will raise on the adjournment the question of political prisoners on hunger-strike.

#### PRISONERS ON HUNGER-STRIKE.

**Mr. BAXTER:** I wish to make it plain that in rising to speak on this matter I am doing so in an individual capacity. I rise not with that feeling of hate that I am afraid we have too much evidence of now and again in many of the people who enter into discussion of this matter. I brought this question forward because it seems to me that it is of such serious moment to the people of Ireland to-day that the Dáil would be very ill-advised not to take notice of it. It may be true that perhaps all the Deputies in this House are on one side. Twenty-five per cent. of the Deputies who were elected to represent the people of the Saorstát are not here. But I think that despite the fact that they are not present here, they do represent the twenty-five per cent. of the Irish people who selected and elected them, and their point of view and their position in the Ireland of to-day and the Ireland of to-morrow must be taken into account by everybody who looks to any future for this country at all. That is the point of



view I had when I gave notice to raise this question. Now what is the position to-day? We have anywhere around ten or twelve thousand men in prison——

**The PRESIDENT:** Might I ask if the Deputy has that from any reliable source?

**Mr. BAXTER:** I am open to correction. Of these somewhere around four hundred are on hunger strike for any number of days up to 30. Some of these—many of them—are men who have bled for Ireland more than once, and are some of the bravest men this country has had in our time, and it seems to me that there are many of those who must be to-day on the point of death. The Dáil has remained silent on this matter up to the present. Is it advisable that it should remain silent until some of these men pass to another world, until, perhaps, some of their remains are taken home to be buried in their native districts in the countryside, until we see a repetition of the big funerals we had when Terence MacSwiney and others gave up their lives? I do not think that that is good for the future of this country. I am afraid it will not be good for its future peace or for its future prosperity. I may be asked: "Why are these men on hunger strike?" It may be said, "No one wants them to die, and why don't they give up the hunger strike?" Well, I do not want them to die, and I hope, and am sure, that Deputies in this House do not wish for their deaths. I think we want every man and woman to live for Ireland, and I think that everything that the Ministry responsible to the Dáil and the Deputies here can do ought to be done to preserve the life of every man and woman for Ireland.

We read in the Press and in the literature and papers distributed that the prisoners in the camps and in the jails have been severely maltreated. We are told by the Republican Party that it is because of this maltreatment that these men have gone on hunger strike. My experience is that when you are in prison or camp for a certain length of time, no matter how pleasing the conditions are, you are prepared to face almost anything to get out. When

prisoners are kept in very long and the period is so indefinite that they do not know when release is to come, it is not any wonder that men or women will take the last desperate step. But the question is: Is there anything in the statements that are being made as to the maltreatment of the prisoners in the prisons and camps? Some days ago Deputy Byrne put a question to the Minister for Defence with regard to the treatment of a Deputy to the Dáil—Charles Murphy. If my memory serves me right, the Minister's reply was that the statements regarding Charles Murphy's ill-treatment were not true. The question was if Charles Murphy had been strung up by the wrists in some of the prisons or camps down in Tintown. I think the Minister's answer was a denial of that statement. I met two men in the street the other night who are released prisoners, and who informed me that they are two of the men who were strung up with their wrists over their heads for four and a half hours. They were only two of them and they are released now. I must say I believe the story those men told me. I assume, if I were to put the question to the Minister for Defence if it were true, the Minister's answer would be similar to the answer he gave Deputy Byrne. But then the Minister, I am sure, has to rely for his answers on the statements that are made to him by subordinate officers.

I do not think, however, that that is satisfactory enough for the Deputies here. I must say the answer that was given Deputy Byrne would not be satisfactory to me, after what I heard. And I say again I believe what I was told. Furthermore, these men have gone so far, they informed me, as to have affidavits sworn as to their treatment. That will take some clearing up. And now we are told of the conditions in Mountjoy and Kilmainham. We are told that prisoners in Mountjoy have not had clean clothing for a month, and we are told about the sanitary conditions in those places—particularly in Kilmainham. In the best of days the sanitary conditions in Kilmainham were bad. If they are anything worse to-day than they were two years ago, they must really be intolerable.

[Mr. Baxter.]

These men and women are those who have taken part in the civil conflict in this country. As far as I can see—and I think there are Deputies here who will agree with me—that civil war has terminated and the Republican Party, in all their statements, and judging by the attitude of Frank Aiken and other leaders, have declared that the civil war has come to an end and will not be resumed. It has come to an end—we know that—and there is not any evidence that there will be a resumption of it. We were told by some of the Ministers yesterday that destruction has come to an end, so that apparently even the Ministry itself must be satisfied on that point. I take it that these prisoners are being detained because of the fear of a resumption of the civil war.

**The PRESIDENT:** Oh, not at

**Mr. BAXTER:** That may not be so. Perhaps it is that there is a feeling that they should be more severely punished? I am afraid if that is the spirit that is animating the Ministry, we need not be surprised that there is on the other side a similar spirit being exhibited. I think that is bad for Ireland. I think until we can get a better spirit on the two sides that have been party to this conflict, the people who come in between are really going to suffer. Now, the matter I have tried to bring under notice is the fact that 400 individuals, approximately, may be to-day very near their graves because of this hunger strike, by reason of the intolerable conditions they say they are being forced to live under in the prisons and in the camps. I would like to hear what the Minister's attitude is, or what the attitude of the Ministry is, regarding those prisoners. I would like to know from the Minister for Defence if, under the Public Safety Act, he has not power or authority to have doctors and nurses attend the prisoners, and I would like to know if such care is being given to prisoners who are at present in their cells unable to rise and who receive no attention.

What has the Minister to say if he is asked to permit an independent Committee set up by the Dáil to enter the

prisons and see what are the conditions there? I do not think that is too much to ask, and I do not think it would be too much for the Minister to concede. If everything is all right from the point of view of the Government, and if the conditions are satisfactory, I think the Government have nothing to fear by appointing a Committee of the Dáil to enter the prisons and make a report on the conditions there. The Government are perfectly satisfied as to what is the point of view of the Deputies, and they know the Committee would be as favourable to the Ministry as to the other side. If everything is all right from the Ministry's point of view, there can be no harm in setting up this Committee and giving it power to visit the prisons. If everything is not all right, that would be looked upon as being the reason why the Minister will not set up this Committee. It seems to me that there is a great responsibility on the Minister for Defence to explain what his attitude is with regard to the treatment of the prisoners in the camps and prisons.

I think it is his duty, and I think it is also the duty of the Dáil, to see that if prisoners are kept they are to be treated at least as human beings. I say more: if you want to drive people back to the savage state, treat them as if they were not human beings and then you will succeed. I know I will be told of the destruction that has been brought on the country by these prisoners. I have taken some trouble to discover what the point of view of these people is and whether there is to be a resumption of civil war and what the prisoners will do if they were free to-morrow. I have been told by responsible individuals that the civil war has come to an end, and that they are prepared to go out and conduct the campaign on constitutional lines, on the platform, through the Press, and by other means. If they are prepared to take up that attitude in the light of changed conditions, the Ministry should be prepared to change their attitude. I will be very glad to learn from the Minister responsible that they intend to do so.

**The PRESIDENT:** This question was before the Dáil on May 2nd last.

**AN CEANN COMHAIRLE:** Before the President speaks, let me mention that three Deputies have risen. We have only until half past four to discuss this matter, and it seems to me that the Deputy's statement calls for reply.

**The PRESIDENT:** My statement will take only one minute. This question was before the Dáil on the 2nd May last, and a resolution was adopted to the effect that in the opinion of the Dáil the fact of any particular person being on hunger-strike should not affect the question of detention or release. That resolution was put and agreed to. There was a sort of bargain come to at that time and that question is settled. Hunger-strike will not effect the release of any prisoner either now or in the future, and I would like to tell the Deputy who has just spoken that my view of his responsibility in this business is very great indeed. If a single prisoner on hunger-strike dies, the attitude of the Deputy who has spoken, and of other people who, by their acts or resolutions or their talk about this gigantic failure, the most gigantic failure that these people who threatened the State ever entered into—this failure of the hunger-strike—must not be overlooked. About 300 out of 7,400 are on strike, and there are people in this country waiting to see who is going to die, some thinking it will mean the release of the remainder, and others thinking it will afford an opportunity to the face-savers to call off this hunger-strike. They are held according to law, sir, everyone of them. The law of this country, as passed in this Parliament, is not going to be repealed by speeches and appeals to sentiment. We are a free people now, entirely independent, and we are responsible for the conduct of this country. We are taking that responsibility and no appeal to sentiment is going to detract us from it.

**Mr. BAXTER:** I think you might—

**AN CEANN COMHAIRLE:** Deputy Baxter cannot speak again.

**Mr. HOGAN (Labour):** I will not detain you very long. Even at the risk of repeating myself, I cannot allow this

opportunity to pass without registering my appreciation of the action of Deputy Baxter in raising the question of the prisoners. We have been told here and elsewhere that there is little heed given to the acts of this Parliament by certain people outside. I would suggest to the Ministry that the little heed they give to the voice of public opinion, as expressed by public bodies and by public plebiscites, would explain the little heed that has been given to this Parliament in certain quarters. I have now a signed memorial from 30,000 people from Co. Clare, a county represented in one part by a Minister. Those people demand the release of the prisoners. Yesterday I put that demand forward as a means of retrenchment and said that the Government would save thousands by the release of the prisoners. The President has told us that there is no fear of civil war, and we have been told in other quarters that there is no such fear. Then, where is the need to keep the prisoners? What authority has any Government to say to any citizens taken off the streets that they will hold them until they sign a statement that they will not commit again any offence which has not been proved against them?

**Mr. A. BYRNE:** I join in this debate purely from humanitarian motives. It has been stated by a deputation at another public board with which I am connected, that the conditions in the prisons are a disgrace to any civilised country.

**The PRESIDENT:** Might I intervene to mention that I understood the question was the release of hunger-strikers? Deputy Byrne raises another question. Deputy Baxter, in introducing this matter, brought one thing across the other. I submit what he was going to raise was the question of the hunger-strikers.

**AN CEANN COMHAIRLE:** That is correct, and I spoke to Deputy Baxter on the matter and made that clear to him. I think if Deputy Byrne had something to say about the hunger-strike he would be in order.

**Mr. BYRNE:** I will take the earliest

[Mr. Byrne.]

opportunity of raising the question of the prisoners, and the treatment of the prisoners. I would say in connection with the Charlie Murphy case—

**AN CEANN COMHAIRLE:** Now the Deputy is speaking on the same point again. The Deputy cannot evade the rules.

**Mr. BYRNE:** Then I will raise it again.

**General MULCAHY:** Deputy Baxter has made a statement that the prisoners on whose behalf he speaks are prepared to go back to what he calls constitutional action. Now, it is very important that the public generally should know whether Deputy Baxter has any authority, and can show any case for making a statement like that. Because while he speaks of twenty-five per cent. of the representatives of this country being supporters of the present hunger-strike, and being supporters of the position taken up by the prisoners who are on hunger-strike, there is also the point to be borne in mind that this twenty-five per cent. of the representatives of the people have been returned on a policy of peace and going back to constitutional lines of action, whereas their actual policy and the policy that they are proceeding on is a policy by which twenty-five per cent. of the representatives of the people can set up a Government, can maintain an army, and can operate one or the other in whatever way they wish themselves. Now that is a matter upon which we have got to be definitely clear. We have got to be definitely clear on that point, too, when the spokesman of the prisoners says that they went on hunger-strike because of the treatment meted out to them in the prison, and when the chief spokesman of theirs makes a statement for the information of all that the prisoners "Went on hunger-strike to obtain unconditional release in the defence of the Irish citizens' right to be free to set up their own Government and live their own lives without yielding voluntary allegiance to any power or authority hostile or inimical to the Republic of Ireland." That is an implication that this Government set up by

the majority of the people of this country is a Government inimical and hostile to what they call the Republic of Ireland. We have got to be very definitely clear that men who are brave and men who have bled have not inherent in them the right to test in that way whether other people are as brave, and whether other people can bleed. You have also this statement of the 12th October, 1923, and you have in documents that come day by day into our hands, a statement of determination on the part of these people to maintain what they call the army, and you have one of their agents writing on the 12th October, 1923, from America and saying "Funds must be raised and a whole lot of things before we can go into the field again." You have the general assertion that ill-treatment in the camps has been at the root of this, and you have a prisoner from one of the camps writing out on the 6th November: "I wish and pray to God that we were all home again, and I do not want to hear any more about the great things they done in Cork and Kerry, for God knows I have the bitter experience of knowing what some of them are like, as the majority of the fellows here come from there, but I must say in justice to some of them, that they stuck to me through thick and thin, even some of my own staff, after urging me to call the strike off, resigned and left me to bear the lot myself. I must say in justice to the Staters that they were even kind to me. So you see all the good men are not on our side." Then he goes on to say that he was the camp leader, and when he saw that his men had been put up against a test, that it was not fair for men to be put up against, he called off the strike, and he said of others: "There are about sixty on strike here still, but they are not honest as the majority of them have dirtied their bibs, and now they are trying to save their faces by staying on strike."

The prisoners who have been in the camps are getting all the medical treatment that they want. The conditions in the camps are not the conditions that are painted by certain spokesmen of the prisoners and by certain publicity machines. The prisoners are

taking up their present attitude against the Government in order that they may be free with impunity to go out and run a Government, or run an army, and go into the field again when they have money or materials, or when some mad head or two or three among them would lead any section of them into the field, and restart again the destruction that we have been used to. We must, bearing the responsibilities that we do, be very clear what is the posi-

tion with regard to any group of men like these. Before they can be released from the prisons in which they are, we cannot allow any action on their part of mutiny of any kind inside, to force us to release people whom our whole intelligence, and our appreciation of responsibility, dictate that we should keep inside.

The Dáil adjourned at 4.30 p.m. to 3 o'clock on Wednesday, 21st November, 1923.

## DÁIL ÉIREANN.

DÉ CÉADAÓIN, 21adh MÍ NA  
SAMHNA, 1923.

(Wednesday, 21st November, 1923.)

Do chuaidh an Ceann Comhairle i  
gceannas ar a 3 p.m.

## CEISTEANNA—QUESTIONS.

## ORAL ANSWERS.

## MANAGEMENT OF THE CURRAGH.

**Mr. D. J. GOREY** (for **Mr. John Conlan**) asked the Minister for Finance if he will state in what Department the management of the Curragh of Kildare is vested, and if he will order a return showing the annual expenditure in the way of administration and the payment of salaries to Rangers and others; the number of persons employed and with whom their appointment lies; also the amount of revenue derived from the Turf Club and other sources.

**MINISTER for EXTERNAL AFFAIRS (Mr. D. Fitzgerald)** (for **Minister for Finance**): The management of the Curragh is vested by Statute in the Ranger, whose appointment lies with the Minister for Finance and who is an unpaid officer. Certain functions in connection with the management are discharged by a paid Deputy Ranger and Bailiffs, who have such powers and duties as the Government, with the advice of the Ranger, from time to time, think fit to direct. The Bailiffs are appointed by the Ranger or Deputy Ranger.

The expenditure, which includes the salaries of the Deputy Ranger and four Bailiffs, amounts to approximately £715 a year. The annual rents receivable are £530, of which the Turf Club pays £47. The rent of the Stand House, etc., is £1 a year, increasing to £50 at the 25th March, 1925.

OIREACHTAS MEMBERS AND  
INCOME TAX.

**Major BRYAN COOPER** asked the

Minister for Finance whether, in view of the financial situation, he will consider the desirability of deducting Income Tax (and Super-Tax where liability exists) from the salaries of Deputies and Senators before payment.

**Mr. FITZGERALD** (for **Mr. Blythe**): The sums payable to Deputies and Senators are allowances towards expenses, and are not chargeable to Income Tax.

**Mr. DARRELL FIGGIS**: Arising out of that answer, is the Minister aware that it is a matter of the deepest possible sorrow to Deputies that they are not in a position to pay super-tax?

**Mr. FITZGERALD**: I can well believe that.

## SAORSTAT OFFICIALS' SALARIES.

**SEAN MAC GIOBUIN** asked the Minister for Finance whether there are at present any officials employed by the Saorstát (Government who are in receipt of official salaries from the British Government.

**Mr. FITZGERALD** (for **Mr. Blythe**): There are some 90 Civil Servants on loan from British Departments to Departments of the Saorstát, of whom three are employed in the Ministry of Finance and the remainder in the Revenue Commissioners' Department.

REPRESENTATION ON WAR  
GRAVES COMMISSION.

**Major BRYAN COOPER** asked the Minister for External Affairs whether, in view of the fact that nearly 50,000 Irishmen were killed in the European War, he will make representations to the British Government that a representative of the Saorstát should be appointed to the Imperial War Graves Commission.

**Mr. D. FITZGERALD**: The question of appointing a representative to the War Graves Commission is under consideration, and it is hoped that a final decision will soon be reached.

**Major BRYAN COOPER**: Arising out of that answer, is the Minister aware that Canada, Australia, South

Africa, and New Zealand are represented by their High Commissioners on this Commission?

**Mr. FITZGERALD:** I am aware of that.

### PROCLAIMED MEETING.

**AODH O CULACHAIN** asked the Minister for Home Affairs what were the reasons for proclaiming the public meeting in Droichead Nua on the 4th inst.; why citizens travelling on business were prevented from entering the town on that day; whether he will in future refrain from using the *Gárda Síochána* for such purposes.

**MINISTER for HOME AFFAIRS (Mr. K. O'Higgins):** As regards the first part of the question, the Deputy's attention is invited to the terms of the public notice which appeared in the Press on the 3rd instant. Persons desiring to enter Droichead Nua on the 4th instant for legitimate purposes were allowed to do so. I cannot give any undertaking that the *Gárda Síochána* will not be called on to take similar action in future should a similar emergency arise.

### ILLEGAL SEIZURE OF LAND.

**Mr. DENIS J. GOREY (for Mr. John Conlan)** asked the Minister for Home Affairs whether he is aware that a farm, belonging to Mr. I. C. Gibson, Rathwalkin, Kildare, situate at Ballykin, Geashill, Offaly, consisting of 120 Irish acres, and which has been in possession of the Gibson family for 70 years, was forcibly seized by a number of persons from the locality in the months of July and August, 1922; whether they drove off his stock, removed gates, threw down fences, and dismantled the two-storied dwelling house, unroofing it, and carrying away doors, windows, etc.; whether these persons drove in their own cattle, which are still grazing on the lands; whether Mr. Gibson's claim for compensation is still in abeyance, although he has had to pay all rates and charges without having derived any income whatever from the farm from the time of the seizure; whether the Land Com-

mission will forego payment of arrears until the claim for compensation is heard, and if said arrears will be included in the amount awarded; whether the Minister can explain the failure of the local police authorities to deal with a case of this kind.

**Mr. O'HIGGINS:** The trespass of cattle on the lands belonging to Mr. I. C. Gibson was brought to notice last June. It transpired that no fences existed and that neighbouring farmers could not be blamed for accidental trespass. Mr. Gibson was, therefore, advised to fence his lands when police support would be afforded to him to prevent any further trespass, but he took no action in this direction. He subsequently complained that a number of his gates had been stolen. Inquiries were instituted by the *Gárda Síochána* with the result that one of the gates was traced. Proceedings were instituted against persons in whose premises it was found, but before the hearing of the case Mr. Gibson wrote to the sergeant stating that he was not anxious to proceed with the matter and requesting that no further action should be taken. In the circumstances the *Gárda Síochána* withdrew the charge. The task of the Civil Authorities in such cases is rendered exceedingly difficult by the unwillingness of such persons as Mr. Gibson to render any assistance. It is open to him to take proceedings against any person whom he finds trespassing, when the forces of the State will be used to carry out any order made by Court.

Questions regarding the payment of compensation and the remission of Land Commission arrears should be addressed to the Ministers for Finance and Agriculture, respectively.

### MEATH MEN'S DETENTION.

**Mr. DAVID HALL** asked the Minister for Home Affairs whether he is aware that Richard Healy, John Healy, and John McCormack, of Derrylangan, Athboy, Co. Meath, were arrested on 6th July, and are at present detained in Mountjoy Jail; whether any charge has been preferred against them, and whether the Minister intends to bring them to trial.

**Mr. O'HIGGINS:** Richard Healy, John Healy, and John McCormack were arrested as stated on the 6th July and are detained in Mountjoy Prison.

The answers to the other two questions are in the affirmative.

### **BALLINALEE NATIONAL SCHOOL.**

**Mr. PATRICK W. SHAW** asked the Minister for Education whether he is aware that the Black and Tans, whilst in occupation of the Boys' and Girls' School at Ballinalee, Co. Longford, burned the furniture and destroyed the fittings of those schools; whether the schools had but two years previously been re-furnished by Grant from the Education Board, along with local aid; whether the Shaw Commission had refused to consider the case as one for compensation for damage; whether the present building used as a school has been reported on as "insanitary and unsafe;" whether he will urge the Minister for Finance to make an immediate grant for the repairing and re-opening of the schools.

**MINISTER for EDUCATION (Prof. MacNeill):** (1) The British Military Forces occupied the Ballinalee Schoolhouse from November, 1920, to May, 1921. They injured the building and did considerable injury to the school furniture.

(2) Forty-two dual desks and six long seats were supplied in 1917 with the aid of a State grant of two-thirds of the cost.

(3) This Department is aware that application was made by the Manager to the Shaw Commission for compensation, but no official intimation has been received as to the result.

(4) The temporary premises (Teacher's residence) in which the school is being conducted is not regarded as suitable for school work. The ventilation is defective, but the building has not otherwise been reported to be "insanitary and unsafe."

(5) The question of repairing and remodelling the Ballinalee Schoolhouse has already received attention in this Department. The cost of the works regarded as necessary is estimated at £425, but the Manager is not

prepared to provide the local quota of the cost, viz., one-third, in view of his claim for compensation in respect of damage done to the building, and this Department is not, therefore, in a position to sanction a grant in the case.

It is understood that representations in regard to the non-settlement by the British Government of the claim for damages to the Schoolhouse and equipment have been made by the Manager to the Minister of Finance, and that the matter is under the consideration of the Minister.

### **KILLESTER SCHOOL REQUIREMENTS.**

**Major BRYAN COOPER** asked the Minister for Education whether he is aware that in the ex-soldiers' settlement at Killester, Co. Dublin, there are upwards of 500 children, who are nearly two miles from the nearest school, and whether he will take steps to provide a school for these children.

**Professor MacNEILL:** It appears that there are nearly 500 children of school-going age in the Killester area, of whom nearly 300 are at present attending the neighbouring schools at Clontarf, Artane, Raheny, Green Lanes, Howth Road, Marino, and various schools in the city.

Apart from Green Lanes and Howth Road National Schools, the attendance of these children at the neighbouring National Schools has had the effect of considerably overcrowding these schools, whilst a large number of children from this area are not, so far, attending any school. There is undoubtedly necessity for the erection of a suitable school in the Killester neighbourhood.

Such a school, if built for, say, 500 children, would, under present conditions, cost £12,000 or upwards, one-third of which, say, £4,000, would, under the regulations, have normally to be borne by the locality, the balance, £8,000, being provided by the State.

The difficulty in the matter will be understood when it is considered that this balance of £8,000 represents one-third of the total grants which the Ministry of Finance consider could be allowed for the current financial year



for the erection of schools under the jurisdiction of the Free State. The question, however, as to what can be done for the school children in this growing area is at present under consideration.

**Major BRYAN COOPER:** Arising out of that answer, may I ask the Minister if he is aware that there is a free site available for a school in this village? No land would be required.

**Professor MacNEILL:** I am very glad to hear that.

### POSTAL DELIVERIES IN CLONMEL

**Mr. LOUIS D'ALTON** asked the Postmaster-General whether a second postal delivery in the Borough and Old Bridge District of Clonmel could not be arranged, as at present there is only one delivery per day for a population of 4,000.

**POSTMASTER-GENERAL (Mr. J. J. Walsh):** There are at present two deliveries of letters at Clonmel—one commencing at 8 a.m. and the other at 12.15 p.m. The second delivery is, however, restricted to the town proper. The question of extending it so as to include outside districts has already been carefully considered, but as the number of letters which would be benefited is so small it is not considered that the additional expense involved would be justified.

### TRANSFER OF KILDARE POSTWOMAN.

**AODH O CULACHAIN** asked the Postmaster-General if he is aware that Miss Lucy Dunne, Postwoman, Kilmeague, Co. Kildare, has been transferred from the route she was travelling for the last seven years, and where she gave every satisfaction to the public, as can be testified by the Memorials sent to him by the residents and the Parish Priest; further, that her salary has been reduced from £1 1s. 9d. per week as a whole time officer to 9s. 3d. as a half time officer; and, further, that the Department has ceased to stamp her National Health and Unemployment Insurance cards, thereby depriving her of the benefits conferred by those Acts, and whether the Minister

will give instructions to have this woman restored to her former route and salary, as she is the sole support of a widowed mother.

**Mr. WALSH:** It was recently found necessary to reduce the frequency of an unremunerative rural post at Kilmeague from six to three days a week, and in order that the wages of the Auxiliary Postman, who performed the duty, might not be correspondingly reduced, he was transferred to the walk on which Miss Dunne had been employed.

Miss Dunne, who has been acting in a temporary capacity as an Auxiliary Postwoman, has no claim to employment as an Auxiliary or to any particular route, and she was given the three day walk with the reduced wages attaching to it.

Since the change of her duties Miss Dunne ceased to be insurable under the National Health Insurance Acts, as persons paid under an allowance who are employed for not more than eighteen hours a week on the delivery or collection of letters are exempt from Insurance.

### VACCINATION ACTS ENFORCEMENT.

**MICHEAL O HAONGHUSA** asked the Minister for Local Government, whether, in view of the recent outbreak of smallpox in England, and the arrival from there at the Port of Cobh last week, of a person so affected, he will consider the necessity of enforcing the provisions of the Vaccination Acts.

**MINISTER for LOCAL GOVERNMENT (Seumas de Burca):** The necessity of enforcing the provisions of the Vaccination Acts in this country has never been overlooked. The duty of enforcing these Acts is one, in the first instance, for the Board of Guardians in counties in which amalgamation of Unions has not been carried out, and for the Rural District Councils in other counties. During the recent troubles vaccination was somewhat neglected in certain districts of An Saorstát, but with the return of more settled conditions the duty and necessity of securing compliance with the existing Acts

[Minister for Local Government.] has been consistently urged on the authorities, in most instances successfully.

It became clear last autumn, with the increasing prevalence of small-pox in England, that this country must be prepared to face a possible invasion of the disease. Warning was accordingly given to the Medical Officers of the ports and of the other principal districts having cross-channel lines of communication. These officers are also supplied week by week with summarised details of the known incidence of small-pox. The vaccination authorities throughout Saorstát Eireann were advised of the danger and were urged to activity in carrying out primary vaccination.

In one or two districts the number of vaccination defaulters is still unduly high, but the matter is being carefully watched. If the local authorities fail to take adequate measures to ensure the safety of the public health of their district, the necessary steps will be taken to compel them to do so.

On the 10th instant the Ministry was informed of a suspected case of small-pox in Cobh. On the same date a definite diagnosis was asked for and instructions as to precautions were sent. On the 12th it was reported to be a definite case. On the following day a Medical Inspector of the Ministry visited Cobh, investigated the case, and took all necessary precautionary measures.

**Mr. SEARS:** Arising out of that answer, may I ask the Minister if he would take note of the fact that a large body of medical opinion is opposed to vaccination altogether, and that a large number of parents are opposed to having their children vaccinated as well; and will he consider the advisability of giving to their parents the same power of avoiding this operation as English parents have?

**SEAMUS de BURCA:** The matter will have the attention of the Department.

#### **CLONAKILTY DOCTORS' SALARIES.**

**TADHG O DONNABHAIN** asked the Minister for Local Government

whether he is aware of the fact that the salaries of each of the three Medical Officers in the Clonakilty Rural District have been recently increased by approximately £40 per annum; whether such increase has the sanction of the Local Government Department; and whether, if the answer to the first part of the question is in the affirmative, in view of the economic condition of the Saorstát, and the policy of retrenchment advocated by the Government, the Minister considers it desirable that local authorities should be permitted to grant such increases when the general tendency at the moment is to effect economies in all branches of the public service.

**SEUMAS de BURCA:** The Board of Guardians of Clonakilty Union after due notice to each member adopted a proposal to grant a scale salary of £250 a year by annual increments of £10 a year to a maximum of £350 a year to each of their three Dispensary Medical Officers, and after careful consideration a scale salary for the officers in question of £200 a year by annual increments of £10 to £300 a year was sanctioned.

Every proposal of this nature is carefully investigated before a decision is given. It was found that the existing scale salaries of the Dispensary Medical Officers in Clonakilty Union were not adequate to the responsible nature of the duties, and the area, population, and character of the districts of which they had charge.

While the economic condition of the Saorstát and the policy of retrenchment advocated by the Government are of paramount importance, the health of the community must be safeguarded. To ensure this it is essential that proper provision is made for the competent discharge of the duties of Dispensary Medical Officers.

#### **PROVISION OF SEED POTATOES.**

**Mr. JOHN L. COLE** asked the Minister for Agriculture whether, in view of the almost total failure of the potato crop, he will make early inquiries, with a view to the necessary steps being taken to provide supplies of seed potatoes for small farmers and labour-

ers next Spring, as has been done in previous years when a similar failure of the potato crop occurred.

**MINISTER for AGRICULTURE (Mr. P. Hogan):** I cannot agree that there has been an almost total failure of the potato crop this season. In some districts the crop is one of the worst for a number of years, but in most districts the returns, though less than that of the exceptionally heavy crop of last year, are quite up to the average of the previous five years. Areas in which there is a shortage of seed in the spring should have no difficulty in procuring supplies from neighbouring districts. I am, however, prepared, in conjunction with the Minister for Local Government, to consider the desirability of making loans to local bodies for seed supply schemes as was done in previous years, if it is demonstrated that these loans are necessary.

#### **LAND DIVISION IN WESTMEATH AND LONGFORD.**

**Mr. P. W. SHAW** asked the Minister for Agriculture what steps are being taken to provide additional land for the small holders in the Counties of Westmeath and Longford; and whether, in view of the large number of ranches in those counties which would appear to come under the powers of the Land Act, 1923, he will have those powers exercised at the earliest possible opportunity.

**Mr. P. HOGAN:** A scheme for the division of some 300 acres, part of the lands of Enniscoffey, Co. Westmeath, purchased from Mr. G. Levinge, is in course of preparation. The powers of the Land Commission under the Act of 1923, for acquiring land for the purpose of relieving congestion, will be exercised in all proper cases with as little delay as possible.

#### **DISTRIBUTION OF MAYO LANDS.**

**LIAM MAC SIOGHAIRED** asked the Minister for Agriculture if an estimate could be made of the amount of untenanted land in Co. Mayo available for distribution, when the work of dis-

tribution will begin, and what is the earliest time the new owners may hope to get possession, and if any of the bog available for distribution can be "striped" in time to be worked next year.

**Mr. HOGAN:** The Land Commission cannot as yet give any accurate estimate of the amount of untenanted land in Co. Mayo.

There is vested in the Land Commission, as successors of the Congested Districts Board, some 113,000 acres of untenanted land in that County, of which 9,000 acres is arable, 10,000 bog, 90,000 mountain and rough grazing, and 4,000 water, waste, etc.

The distribution of these lands is being proceeded with as rapidly as possible. The powers conferred on the Land Commission by the Land Act, 1923, will enable the Commission to deal with the difficulties which previously existed.

With regard to land purchase in general, the preliminary work in connection with the collection of arrears and payment in lieu of rent is being completed more quickly than was expected, and a preliminary survey has already been made of some estates. We are now in a position to take the first steps towards the acquisition of land under the Land Act, 1923. In the "Iris Oifigiúil" of next Tuesday, the 27th instant, there will appear the first list of the estates which it is proposed to acquire, and we hope to be able to publish further lists in each succeeding issue for some time. Land purchase will proceed with all possible expedition.

#### **"ARMISTICE" DAY CELEBRATIONS.**

**SEAN MAC GIOBUIN** asked the Minister for Defence whether men wearing the uniform of the National Army participated in last Saturday's "Armistice" celebrations with official approval; and, if not, what action, if any, it is intended to take in the matter.

**MINISTER for DEFENCE (General Mulcahy):** The answer is in the negative.

### **DEPENDENT'S ALLOWANCE (BALLIVOR, CO. MEATH).**

**Mr. DAVID HALL** asked the Minister for Defence whether he is aware that a claim for dependent's allowance was furnished last April by William McKeon, Robinstown, Ballivor, Co. Meath, in respect of his son, Private McKeon, A. Coy., 58th Batt., Killmainagh Court House, whether the usual form of consent was signed last April by Private McKeon and the O.C. of Barracks, when stationed in Omeath, and forwarded to the office of the Paymaster-General, Portobello Barracks; whether, in view of the fact that Private McKeon was the only support of his father, who is aged sixty years and at present destitute, the Minister will entertain the claim for dependent's allowance and expedite payment.

**General MULCAHY:** The application of Mr. McKeon was disallowed after due investigation on the ground that the extent of dependence which in the case of an unmarried soldier is taken to be the amount normally contributed by him to his home over and above the cost (if any) of his own maintenance therein for a reasonable period prior to enlistment was less than the minimum specified by regulations, namely, 12/- per week, before an allowance may be issued. It was, in fact, about 10/- per week. It should be stated, however, that the regulations are based on the recognition of an obligation on the part of an unmarried soldier to contribute to the support of his dependents a reasonable portion of his Army pay, this portion being calculated at 8/- per week in the case of a soldier receiving the ordinary rate of pay.

**Mr. HALL:** Is the Minister aware that prior to joining the National Army he subscribed 30/- altogether to the maintenance of the home of his aged father, and that since then nothing has been subscribed to the maintenance of the old man?

**General MULCAHY:** The matter was fully investigated, with the result stated in my answer. If there are any facts which were not before the officers investigating the matter, I will have

them further considered if they are communicated to me.

### **GARAGE OWNER'S CLAIM.**

**MICHEAL O DUBHGHAILL** asked the Minister for Defence if he is aware that a sum of over £250 is due to Mr. Carton, garage owner, Bunelody, Co. Wexford, by the Military; whether some of the amount is over two years due, although Mr. Carton has made several applications for same; whether he can say when this debt will be paid.

**General MULCAHY:** A claim for £280 odd has been received from Mr. Carton, who has been asked recently to furnish some missing particulars. On their receipt consideration of the claim will be expedited.

### **DUNMORE BILLETING ACCOUNT.**

**TOMAS O CONAILL** asked the Minister for Defence if he is aware that a billeting account, due to Mr. P. J. Flattery, Merchant, Dunmore, Co. Galway, is still unpaid, though incurred some twelve months ago; that the account has been certified by the Command Quarter-Master and items repeatedly furnished to Claims Department, Portobello; and whether he will see that payment is expedited.

**General MULCAHY:** Certified claims received from Mr. Flattery have been paid. A claim amounting to £57 13s 6d is in hands, and delay in payment is due to a difficulty in getting certification. I am having a special effort made to have the claim certified and it will be paid as soon as possible.

### **CLARE INTERNEES.**

**Mr. CONNOR HOGAN** asked the Minister for Defence whether it is proposed to retain Messrs. James MacMahon and Thomas Gallagher, both of Ennistymon, Co. Clare, still interned in Gormanstown.

**General MULCAHY:** James MacMahon was released yesterday, and Thomas Gallagher will be released forthwith.

### VOLUNTEER POLICE DEBTS.

**SEOIRSE de BHULBH** asked the Minister for Defence if he will give directions that the Bills owing (for motor cars used by the Volunteer Police for duty during the truce) to George Colbeck, Patrick Grehan, William Gaul, Patrick Dowdall—particulars of which have been already furnished—will be paid forthwith.

**General MULCAHY:** I am unable to trace the receipt of any bills from Messrs. Colbeck and Gaul. If the Deputy will furnish me with the addresses of those persons, further enquiries will be made.

Mr. Grehan's account is under consideration with a view to an early payment.

A claim for £6 8s. 9d. made by Mr. Dowdall was settled by a payment of £3 12s. 6d. on the 3rd ultimo.

### EX-SOLDIER'S CLAIM FOR PENSION.

**SEOIRSE de BHULBH** asked the Minister for Defence if he will consider the case of Patrick Gibbons, Fair Green, Naas, for a pension, as this man is a complete invalid, the result of Army services, particulars of which have already been furnished.

**General MULCAHY:** It is regretted that the case of Patrick Gibbons does not come within the scope of the Army Pensions Act, 1923.

### WRITTEN ANSWER.

#### COMMUTING PENSIONS FOR NATIONAL LOAN.

**TOMAS MAC EOIN** asked the Minister for Finance if he would be prepared to give favourable consideration to a suggestion that Civil Servants and others who have retired under Article 10 of the Treaty should, if they so desire, be allowed to commute their pensions in exchange for an appropriate amount of stock of the forthcoming national loan.

**MINISTER for FINANCE (Mr. Blythe):** I am afraid that this suggestion would not help towards the purpose for which the loan is raised,

inasmuch as no new cash would result from the scheme.

### QUESTION ON THE ADJOURNMENT.

**Mr. T. J. MURPHY:** I beg to give notice that I will raise, on the motion for the adjournment, the question of the refusal of the authorities to hand over to his relatives the body of Denis Barry, who died as a result of a hunger strike in Newbridge.

### RETURN OF WRIT.

**AN CEANN COMHAIRLE:** Tá orm a fhógairt don Dáil gur thuairisigh an Cléireach gur toghadh Pádraig Mac Giollaigáin don fholúntas do bhí in ionaduíoicht Dháileheannatar Phríomh-Scoil Náisiúnta na hEireann sa Dáil.

I have to announce to the Dáil that the Clerk has reported that Mr. Patrick McGilligan has been elected to fill the vacancy, in the representation of the Dáil, of the University Constituency for the National University of Ireland.

### DUBLIN CORPORATION.—A QUESTION OF PRIVILEGE.

**Mr. A. BYRNE:** Before we proceed with the Orders of the Day, may I ask, a Chinn Chomhairle, whether a request has been received by you from the Town Clerk, or from the Lord Mayor of Dublin, with a view to appearing here and presenting a petition to this Dáil, and if so, what is the result?

**AN CEANN COMHAIRLE:** Yes, a letter has been sent to me by the Town Clerk of Dublin, enclosing a copy of a resolution passed by the Municipal Council of Dublin, asking me to make the necessary arrangements to have the Lord Mayor of Dublin appear at the Bar of the Dáil, accompanied by the Town Clerk, the Law Agent, his Lordship's officers of state, and members of the Council.

There is no procedure at present in the Dáil for allowing any person to come to the Dáil to present a petition, and I have had the Town Clerk of Dublin acquainted of that fact. The question of presenting a petition to the Dáil has not yet been considered, and while

## [An Ceann Comhairle.]

it is clear that a Deputy would have the right to present a petition himself it would require a special arrangement by the Dáil, either in general or in a particular case, to allow any person, other than a Deputy, to come and present a petition to the Dáil, on behalf of himself or of any other persons.

**Mr. A. BYRNE:** Owing to the urgency of this matter, I would ask your guidance on it. If I were to give notice to-day and put down a motion, similar to that which was carried in another Parliament, allowing this right to the Dublin Corporation, would it be considered on Friday? This is Wednesday, and if I were to give notice to-day would it be in time?

**AN CEANN COMHAIRLE:** Deputy Byrne consulted me about this matter yesterday, and I explained the situation to him, so that his notice is really, technically, since yesterday. I would be prepared, if the Dáil agrees, to allow the motion to go forward on the Order Paper for consideration in Private Members' time on Friday. The motion would be in these terms:—"That the Right Hon. the Lord Mayor of the City of Dublin be admitted to present a petition from the Lord Mayor and Corporation of the said City at the Bar of Dáil Eireann."

**Mr. JOHNSON:** In the course of your answers, a Chinn Chomhairle, to Deputy Byrne, you said that a Deputy himself would have the right to present a petition. I did not know that that matter had been considered any more than the other, and I would think, and suggest to the Dáil, that that is a matter that ought to be dealt with by the Procedure and Privileges Committee, even before the right of the Deputy to present a petition is acknowledged.

**AN CEANN COMHAIRLE:** The manner and the method of presentation, I think, should be considered by the Committee on Privileges, and Standing Orders drawn up in the matter. What I meant to convey was, that it might be taken for granted that, under certain conditions, and when certain arrangements had been made, the right would be accorded to Deputies to present petitions, but that the question of a person

not a Deputy presenting a petition would require the special sanction of the Dáil. I shall bring the matter before the Committee on Procedure and Privileges.

**The PRESIDENT:** Does that mean that this matter will be brought before the Committee on Procedure and Privileges before the motion will be dealt with on Friday? I take it that the basis of this claim is a claim which the late Henry Grattan secured from the British Parliament after the Act of Union had been passed. As such, it has to my mind certain unsavoury recommendations in its favour, and I do not think it has ever been suggested by anybody that this country got any real advantages out of the Act of Union. If that be the claim for urgency, I would not be inclined to give this matter very grave consideration. If, on the other hand, the subject matter of the petition itself be the claim for urgency, we ought to have that defined, because I submit that there is no claim for urgency under the second head, and, as regards the first, I suggest it is faulty. Therefore, I do not see how the question of urgency arises at all.

**AN CEANN COMHAIRLE:** It may be well to get that matter cleared up. The resolution which has been sent to me is as follows:—

"That this Council, in the exercise of its ancient privilege of appearing at the Bar of the Commons, requests the Lord Mayor to make the necessary arrangements to present the petition (at present being signed in the City Hall, requesting the release of all the political prisoners) at the Bar of An Dáil, and that he be accompanied by the Town Clerk, Law Agent, His Lordship's Officers of State and the Members of the Council."

I did not think it necessary to advert to what is termed the "ancient privilege," because, as the President has stated, by resolution passed by the British House of Commons in 1813, the Corporation of Dublin was given the right of appearing, through its Lord Mayor, at the Bar of the House and of presenting petitions. Under that resolution, the Dublin Corporation has no

right whatever to appear before Dáil Eireann, and that privilege, in so far as it existed, is not a privilege against Dáil Eireann, and cannot be exercised by virtue of that resolution. I think that is clear.

**The PRESIDENT:** Yes, quite clear.

**AN CEANN COMHAIRLE:** I take it, therefore, that that matter will not be discussed or urged. The urgency which Deputy Byrne spoke of, I take it, relates to the subject matter of the petition rather than to the assertion of that claim.

**The PRESIDENT:** On that I would have to enter an objection, because I do not consider, as I have said before, that any useful public purpose is served by dragging the sufferings of these unfortunate hunger strikers before the notice of the public. It is done with one object alone, and that is to keep the unfortunate dupes still on hunger strike. I think it is cruel, inhuman, and unworthy of any citizen of this State to persist in such action, and as such it would have my most strenuous opposition.

**AN CEANN COMHAIRLE:** The motion that Deputy Byrne proposes to place before the Dáil would have reference only to a matter of whether we will or will not accord to the Municipal Council of Dublin a certain privilege. The discussion on that motion would not involve any discussion on the question of political prisoners or on the subject matter of any petition now under consideration or to be in future considered. If objection is taken to the fact that the motion has not got sufficient notice, it must go over to next Wednesday, but the matter which would be discussed on Friday would not be the question of prisoners, but the question of privilege.

**Professor THRIFT:** On that point, if any Deputy moved a resolution, would it not be open to any other Deputy to move an amendment to refer the matter to the Committee on Procedure and Privileges, before the Dáil proceeded further to discuss the matter?

**AN CEANN COMHAIRLE:** I think it is always a bad thing to give one's

ruling in advance, but at present I do not see in the proposal which Deputy Thrift has made anything which would be out of order.

**The PRESIDENT:** It would be my intention, if the subject did come up for consideration, to move that it be left over and sent back to the Committee on Procedure and Privileges until the subject matter of the resolution had passed away.

**AN CEANN COMHAIRLE:** Perhaps the simpler way would be for the Committee on Procedure and Privileges, which meets to-morrow, to consider the matter, and have, either some definite rules governing the matter or some report or recommendation from that Committee brought before the Dáil, and then have the matter discussed on that report.

**Mr. JOHNSON:** May I suggest that we are rather getting away from the motion which you, a Chinn Chomhairle, read. The real question is, whether the four days' notice is to be waived? You ruled that, technically, inasmuch as the notice had been given yesterday, the motion which you have read out, is in order. Subject to your discretion, we have the right to receive any Notice of Motion, and that is the only question, I submit, that we have before us. It seems to me to be a matter for your own ruling as to whether the Standing Orders have been complied with in regard to the Notice of Motion.

**AN CEANN COMHAIRLE:** The Standing Orders have not been complied with in regard to the Notice of Motion, but as no objection was taken, I thought that the Dáil was agreed to waive the Standing Orders in this particular case. If objection is taken the motion is not in order and cannot be moved on Friday.

**MINISTER for DEFENCE (General Mulcahy):** I would suggest that the Deputy should withdraw his motion. Coming forward at this particular time, it is simply brought forward with one object. A large number of unfortunate men are on hunger strike. These men who are on hunger strike, consider, in the first place, that the hunger strike was a disaster from the point of view of

[Minister for Defence.]  
their policy, and in the second place, that it should be called off. The only effect of this motion, if it is brought before the Dáil, and if it is to lie over until Friday, will be to pin down, by a sense of honour, men who are already suffering very severely, and to keep them suffering for another day or two when they themselves are perfectly convinced that they cannot achieve anything by a hunger strike, and who consider that those who were responsible for putting them on hunger strike should order them off and give them a chance of saving themselves from more suffering.

**Mr. A. BYRNE:** I am a member of the body that passed the resolution that has been read. That body had a certain privilege in a foreign Parliament, and I hold, and am in agreement with that body, that the same privilege ought to be extended to it in an Irish Parliament. I have put down the motion to maintain the rights of the Dublin Corporation, and am anxious to take the views of members of the Dáil on the motion. If my motion is not in time for Friday, I will give notice for next Wednesday, as I understand now that I am being ruled out for Friday. It is unfortunate that I cannot be heard here on the matter on Friday, but in view of the ruling that has been given, I will give notice of motion for next Wednesday. In my opinion, I think the Dublin Corporation is entitled—

**AN CEANN COMHAIRLE:** That is discussing the motion.

**Mr. DARRELL FIGGIS:** The point I desire to raise is very small in comparison with the matter raised by Deputy Byrne. I suggest it has a certain minor importance of its own, and it respects the terms of the motion of which he has given notice. May I suggest that we do not use the phrase, "at the Bar of the Dáil," because we have no Bar. At least we have a bar, but not in the purely parliamentary sense. I suggest that you use instead of that phrase the words "before Dáil Eireann."

**AN CEANN COMHAIRLE:** We will consider that.

### **LATE DEPUTY JAMES DERHAM.**

**The PRESIDENT:** Before we proceed to business, it is my melancholy duty to ask the Dáil to express its sympathy with the family of the late Deputy Derham. Only last week he was with us, and now he is no more. Deputy Derham has been associated with public life for a great number of years. He entered the national movement at a meeting which was addressed by the O'Rahilly, Dr. Hayes, and the late Thomas Ashe in Balbriggan. During the struggle for independence of this country his family and himself have contributed their share of suffering and privation, and I think it is due to his memory and, I believe I am expressing the opinions of every Deputy here when I say that we should join in sending his family a tribute of respect in their great grief.

All the Deputies present then rose in their places.

### **LOCAL GOVERNMENT RETURN.**

**Mr. DARRELL FIGGIS:** I desire to move the following motion:—

"To move for a return showing:—

(1) the number of Inspectors, medical and lay, respectively, employed either by the late Local Government Board of Ireland or by the Local Government Department of the Free State in the years 1914, 1920, and at the present time;

"(2) the salaries paid to such Inspectors, medical and lay, respectively, in the same years and at the present time; and

"the qualifications required of Medical Inspectors in the same years and at the present time."

I understand this is a matter that ordinarily, until this present moment, would have been put forward by way of a question, but it now takes place by way of a motion for a return. It explains itself and requires no support by way of explanation from me. There is one matter I would like to raise in that connection, and it is this—I take it that a return of this sort, to use a



time honoured phrase, would be laid on the table of the House. May I suggest it would be available in a more convenient form for Deputies if the return in question were to be printed either for circulation amongst Deputies or else printed in the official debates.

**MINISTER for LOCAL GOVERNMENT (Mr. Burke):** The return asked for in accordance with the present request has been prepared and will be laid on the table when printed. I will take the other matter into consideration.

**AN CEANN COMHAIRLE:** The report will be made available for Deputies in the reading room. That is the twentieth century meaning of the phrase "Laid on the table."

**Mr. DARRELL FIGGIS:** Could it be ordered now that it be circulated to Deputies?

**AN CEANN COMHAIRLE:** Unless the Minister agrees we would have to take that matter up separately.

**Mr. BURKE:** I will agree to that.

**The PRESIDENT:** I do not know whether this motion has been seconded. Is it a matter of accommodation? Because I perceive that any comparison between a certain position, say in the years 1914, 1920 and at present, may be used, as such information has been used in the past, not in the interests of truth, and certainly not in the real interests of the country. I would welcome a return showing the position at the time of the signing of the Treaty or at the time of taking over by the Provisional Government, or at the first of April, 1922, comparing the staffs and expenditure then, with the staffs and expenditure now. I say that it does not appear to me that any useful public purpose is served by giving information for such years as 1914 and 1920. It affords opportunities for attacking the administration now on grounds that are not fair and are not just, and in the knowledge of persons making these charges they are neither just nor fair.

I read in a paper last week—I think it was the "Independent"—a state-

ment by a member of the Dáil that this was an extravagant Government and an extravagant State. We were told that the Army in this State cost twice what the Belgian Army cost in 1914 and 1916, and half what the British Army cost in 1914. He might as well just have told us that it was costing three times the amount to run this country than it cost the old Irish Parliament to run it, or four times the amount. He might have said our national debt was greater than it was at the time of the Union. Arguments such as those used by a person who has no knowledge, or an unbalanced knowledge, of his subject certainly reflects no credit on the person who uses the argument, and does not beget any real confidence in the people of the State. In asking for a return, such as Deputy Figgis has asked for here, one should at least give us some reason for the information that is required. Some reason ought to be given as to why Departments of the State should rummage through the archives left by the British Government, and some tangible excuse ought to be given for an attempt to fill the Deputy's library other than merely moving the motion.

**AN CEANN COMHAIRLE:** This is a new arrangement by which a Deputy moves for a return instead of asking a question which involves a very lengthy reply. I ascertained before putting this motion on the Paper that it would not be opposed by the Minister. I therefore took it for granted that it would be an unopposed motion, that the Deputy would simply move it, and that the Minister would promise to make the return, and that would be enough. For that reason, I put it first on the Order Paper after the questions. If it were opposed and became a subject of debate, I would put it down for the present as a motion by a private member, to be discussed in the time allotted to private members' business, pending some better arrangement, suggested by the suitable Committee. I understood the matter was to go through without debate. If it must be debated it must be debated at some other time.

**Mr. JOHNSON:** Is it a fact that the Minister had consented to this return?

**AN CEANN COMHAIRLE:** Yes.

**Mr. BURKE:** I agreed to answering the question in this way, as a matter of course. I did not think that there was anything exceptional about it.

**AN CEANN COMHAIRLE:** The order made is that the report should be printed and circulated to Deputies.

**MINISTERS & SECRETARIES BILL.  
—SECOND STAGE.—DEBATE  
RESUMED.**

**AN CEANN COMHAIRLE:** The motion is that this Bill be now read a second time. The debate was adjourned on the last day on the motion of the Attorney-General.

**ATTORNEY-GENERAL:** When the Dáil adjourned I was bringing the observations I had to make to a close, and I have little to add to what I then said. I would like, however, to make one comment upon the danger of superficial criticism in an Assembly of this kind. This is not an assembly in which mere chance-points of a debating society should be made on a serious topic such as this Bill undoubtedly is, chance remarks and debating points which are afterwards seized by newspapers and emblazoned as if they were gospel for the edification of the public. I have in mind two or three such criticisms in particular. Deputy Redmond, for instance, in his remarks, referred to the position of the Army and of the Commander-in-Chief. He says: "As far as I am aware, and I have a little army experience, there is only one Commander-in-Chief in this country according to our Constitution, and that is the King," and so on. Now, if Deputy Redmond, instead of depending upon the empirical knowledge acquired during his little experiences of the Army, had studied the matter, he would have discovered that what he was stating was not constitutionally accurate. It is a fact that in the early portion of the 19th century, the late Queen Victoria and her predecessors were titular commanders-in-chief of the army. In the middle of the 19th century the command-in-chief of the army was delegated, and so remained in a soldier officer until just after the

Boer War. I think the last person who held that delegated command-in-chief was Lord Roberts. I do not think Deputy Redmond's little army experience was gained prior to 1904. He might have been misled if it had, but after the reorganisation of the British Army after the Boer War, the office of commander-in-chief was abolished, so far as the British Army was concerned. This really shows the danger of making those chance observations of half-baked knowledge gained, one does not know how, in an officers' mess, or so on. I would suggest to him he should now study our Constitution, and the Constitution of our co-equal Dominions upon this subject, and his knowledge would be considerably extended.

In the same way he speaks with a similar kind of empirical knowledge, gained during a little experience of Parliamentary life elsewhere, when he says that he there discovered that the Attorney-General was a mere legal officer. I would also suggest to him to correct the knowledge which he gained, whether by constant attendance within the House or in its precincts, by a study of, say, Anson's standard work on the British Constitution, and he will find a great deal indeed to learn upon the subject of the position of the Attorney-General under the British Constitution, and he can pursue his studies still further in some of the leading textbooks on Dominion Constitutions. Deputy Cooper presents his matter so agreeably that one does not at first sight see whether he, too, is guilty of these kinds of superficial points. But Deputy Cooper's standing is such that he is quoted as an authority, and I find certain observations of his made here on the last day exhibited in the manner which I believe Pressmen call "framing" in the pages of one of our leading journals. It is headed: "Inflated Cabinets: How Ireland compared with other countries. Canada, Australia, New Zealand, had all a less number of Ministers than are in our Government. The Deputy also referred to the fact that in Canada they had not an Attorney-General, but they had a Minister of Justice." These observations were entirely superficial and unsound. The Deputy totted up the Ministers of the

Federal Government of Canada, entirely losing sight of the fact that there is a complete Executive Government in each of the provinces of Canada; he totted up the Ministries in Australia, entirely losing sight of the fact that each of the Australian States has its own Executive Ministers. South Africa is somewhat differently constituted, but it has administrative offices in the different provinces, and he swept into his comparison a country like New Zealand which has a wholly different plan, because it has, as distinct from the Federal Governments of Australia and Canada, a unitary Government. If he had appreciated this important distinction he would have seen the explanation of the point he made with regard to the position of the Attorney-General. In Canada they have in the Federal Government a Minister of Justice whom we all had the pleasure of meeting at Geneva, and a Solicitor-General, who advises the Federal Government, but each province of Canada has its own Attorney-General, and any of us familiar with Law Reports, particularly Reports of Privy Council cases, knows that frequently contests arise as regards certain rights or privileges and whether they are vested in a province or in the Federal Government, and these cases are always fought out as between the Federal Solicitor-General and, say, the Attorney-General of Manitoba. I refer to this as showing the great danger, because this thing has been seized upon, has been made into a headline in the newspapers. For the purpose of making these superficial points Deputies just dip into the pages of Whittaker's Almanac, or some book of the kind, and I suggest that when a Bill of this kind is under consideration it should really receive much deeper consideration than is indicated by the observations—

**Major COOPER:** On a point of personal explanation, may I point out to the Attorney-General that it is impossible to make a complete investigation when we only receive a Bill on Tuesday and have the Second Reading on Friday, and that one is forced to rely on ordinary works of reference because one has no time to obtain anything else.

**ATTORNEY-GENERAL:** I suggest that if the circumstances are such that the consideration of the Bill is taken with perhaps some haste, before points of this kind are made it should occur to the Deputy that he should weigh them well, even if they look attractive on the surface. I want to say, first of all, as regards this measure, in the few observations I have to make in closing, that it does not set up new Ministries. That statement has been made here by several Deputies. The Constitution provides for twelve Ministers; this Bill sets up no Ministers. This Bill takes existing departments of administration, sorts them out, divides them into their natural compartments and provides for their organisation, their method of making orders, and matters of that kind. It still remains possible to assign these departments in any number when a Ministry is being constituted to a Minister, provided that not less than five Ministers are appointed, and when people talk of creating a number of Government posts it has to be remembered that you have in the Constitution Ministers outside the Executive Council.

At the initiation of the present Government a number of Ministries were left outside the Executive Committee, and the Dáil could have assigned all these to the charge of a single individual if it had chosen, and everytime the Ministry is reconstituted the President of the Dáil will have it in his power to assign to any particular Ministers in his Executive as many Departments as he finds it convenient to do, and it will be for the Dáil to deal with the outstanding Departments and to assign them to one, or two, or three as the case may be. The only new thing in this Bill is the creation of Parliamentary Secretaries, and perhaps the only new thing is that power is given to pay salaries to Parliamentary Secretaries. The Dáil does not provide a large number of people who are able to work without remuneration, but even with this provision it is still possible that persons will be glad to serve a Parliamentary apprenticeship without stipend. Perhaps it would be too optimistic to hope that they might even pay an apprenticeship fee for the glory of serving in one of these offices. Sub-

**[Attorney-General.]**

sequently when they have acquired the first elements of Parliamentary skill they might perhaps be paid, as Parliamentary improvers, at a somewhat more meagre rate than they would afterwards earn.

These are all matters which are quite fluid and open to criticism from year to year, and to determination from time to time. I do not think I have anything more to add to the observations I made the last day, save to emphasise this, that this is not the creation of Ministries, it is the organisation of administration; that the number of Ministers remains uncontrolled so far as this Bill is concerned, save by the Constitution and the will of the President of the day, and to suggest that before the Committee Stage perhaps we all shall have a more profound knowledge of the constitutional position of the various individual officers and Ministers.

**Mr. DARRELL FIGGIS:** On a point of order, perhaps it may be more a point of procedure, might I submit that the Attorney-General has just stated that this Bill does not raise the question of the creation of new Ministries, but when the proposal for the nomination of certain Ministers to certain positions was before the Dáil on an earlier occasion, and certain criticisms were raised as to whether it was or was not desirable that such Ministries should exist for the conduct of certain Departmental duties, it was stated that these were questions which it would be more proper to raise when the Ministries Bill was before the Dáil. Therefore, I suggest that if the Attorney-General is now saying that these matters which were referred to this occasion from that earlier occasion may not be raised now, or may be estopped, by such arguments as the Attorney-General has raised, then the Dáil is in the extraordinary and unfortunate position of being told on occasion A that these matters must not be raised then, because they must be raised under B, and when B happens, we are told that they should not be then raised under B, because they should have been raised under A, so that we are in the extraordinary position of not being able

to determine with any accuracy under what thimble we may find the pea.

**ATTORNEY-GENERAL:** I do not know exactly what the Deputy means. The point I wished to make was that the Ministers are not created by this Bill, that the Constitution has provided for Ministers, that this Bill provides for the division of administration into its natural distribution, and in addition contains the express power of assigning any Department or Departments to a single individual in any grouping that may be considered expedient. I have raised no question of estoppel.

**Mr. JOHNSON:** Perhaps I may be permitted to ask whether the Attorney-General will say that the Council of Defence as constituted under this Bill is something new.

**ATTORNEY-GENERAL:** The Council of Defence already exists under an Order, which I think has been laid on the Table of the Dáil. It was constituted some time ago.

**Mr. JOHNSON:** The Bill says "There shall be and is hereby constituted."

**ATTORNEY-GENERAL:** It gets legal and statutory existence from this Bill. Such Council has existed as a matter of administration for some time.

**Captain REDMOND:** Perhaps I may be permitted to ask the Attorney-General—

**AN CEANN COMHAIRLE:** Is this on the point of order raised by Deputy Darrell Figgis?

**Captain REDMOND:** Yes. The question I wish to ask the Attorney-General is whether it is necessary for 4 o'clock. the Government to fill up all the Ministries created by our Constitution, and if that is not so, whether the filling up of these Ministries is not in effect the creation of them?

**ATTORNEY-GENERAL:** If the Deputy was not here and had not heard my suggestion, perhaps I may make my suggestion now, that he should study the Constitution and he will find that that is not the case. There must be at

least five, and beyond that no Ministries need be appointed.

**Captain REDMOND:** It is not necessary to create them?

**AN CEANN COMHAIRLE:** With regard to the limitation of debate, Deputy Figgis is fortunate in that nobody can limit his power of debate except myself, but he must not assume that the Attorney-General is making any endeavour to indicate the lines on which debates should go. I do not think the Attorney-General was doing so in any sense.

**Mr. MILROY:** The Attorney-General has reason to complain of the absence of some critics of the Bill, but my cause of complaint is rather the absence of the Head of the Department concerning which I wish to make some observations. That is the Department which shares with the Ministry of Fisheries the severest castigations by the critics of the Bill—the Ministry of External Affairs. I have no intention whatever of sharing in the expression of opinion that that Ministry should be scrapped. I think it is a very important Ministry and one that will be of great advantage to this State in international intercourse, and in raising the prestige of the Free State in world affairs, that is, provided it fully and effectively discharges its functions. At the moment I will not comment on whether it does or does not, but this is the point I wish to arrive at: There was a provision made on the last Estimates for the appointment of several representatives under that Department in various countries at a cost of £37,290, an increase of over £20,000 from the previous year's estimate.

I want to know what exactly are the functions these representatives fulfil. Particularly I want to know do they deal with our external trade. If so, why are they under this Department rather than the Department of Industry and Commerce? I looked through the Estimates and the definitions given to these representatives, and I only found one—in Paris—who is described as a trade representative. In Berlin, Rotterdam, Brussels and New York they are termed consuls; in Washington and Geneva representatives, and in

Great Britain High Commissioner. I had on a previous occasion to make adverse comments upon the composition of the Ministry of Industry and Commerce, which I do not intend to pursue to-day, not because I have been convinced of any error of judgment in this matter, but because I wish to refer more specifically to this particular subject. If it is contended that all the economic arteries of this nation should be under some unity of command, such as the Ministry of Industry and Commerce, why is, what I might term our overseas trade, our foreign trade, not under the control or direction or influence of this Department? I suggest it should be. I suggest, with all due respect to the talents of the Minister for External Affairs, that matters dealing with economic life and trade and industry are not his particular speciality and not the subjects in which he shines with the greatest lustre. I suggest, also, that it is a cumbersome method of procedure, if the Minister for Industry and Commerce wishes to effect some beneficial result for Irish external trade in some foreign country, that he has to do so through the medium of the Minister for External Affairs, rather than through agents directly under the Ministry of Industry and Commerce. I should like to know, further, whether it is possible to ascertain the results that have been effected in this direction through the Ministry of External Affairs; what is the volume of our foreign trade and where it is located? I do not know whether it is possible to lay hands on data in regard to this matter, but I think it would be of importance. If these agents still remain under the control of the Minister for External Affairs I trust that when the Estimates for that Ministry are presented to the Dáil that we shall be given figures regarding the extent of the trade that is being secured or maintained as a result of the efforts of that Department.

This is not really a criticism of the Bill itself, because it is simply a suggestion with regard to certain powers embodied in the Bill. In Section 11 power is given to the Executive Council to redistribute or transfer from one Department to another certain functions, or authorities, or services, and I

[Mr. Milroy.]

think it is extremely advisable that the Executive Council should consider the transfer of the control of the agents abroad, who deal with our foreign trade, from the Ministry of External Affairs to the Ministry of Industry and Commerce, in order that there may be a more direct, less cumbersome and more efficient control and direction of this matter. I have not a great deal of sympathy with most of the criticism that has been passed upon this Bill. It is in reality merely a setting up of the framework of the State's administration. It covers a very wide and comprehensive field. Neither do I agree with some of the comments which were incidentally introduced into the debate about the necessity for economy. I do not think this nation is yet bankrupt, and I wish Deputies would remember that we have only just emerged from the throes of a struggle with anarchy, and that we have not yet sufficiently stabilised the State so that we can live in normal times or think in the normal terms of a State's life. I believe some critics who have denounced extravagance would be the first to cry out for wholesale expenditure of the State's finances, if there was any outbreak of violence, in order that they might be saved from disaster. Let us remember that the State has just emerged from one of the most terrific trials that any State could have gone through and has emerged with the possibilities of stability and security. It is to make these definite and lasting that this Bill, I take it, is devised. But if we have only got the possibilities, those possibilities may yet again be overthrown and the country plunged back into chaos and disorder, if those who are responsible to the State refuse to give to those who have to exercise administrative charge the necessary means to render permanent the basis of peaceful development which we have secured.

**Mr. WILSON:** I think the Minister for Agriculture was singularly unfortunate in allowing the College of Science to be taken from his Department and given to the Ministry of Education. If agriculture is to be developed it is by means of research. I would like to know how the Minister

now proposes to supply the means for developing research in agriculture. Singularly enough he takes charge of the College of Veterinary Science but refuses to take charge of an institution which will enable him, by research, to develop seeds and plants adaptable to this country; as well as to find means for preventing diseases in them. Take for example potato blight. There are varieties of potatoes able to resist the blight. The growers are told how to cure the disease when it comes, but there is nothing available to show the cause of the blight or how to produce potatoes that will resist it. Regarding animal diseases, the position of the Department of Agriculture is that when there is an outbreak on a farm, and when, say, five or six cattle are affected, if the local Veterinary Surgeon is not able to diagnose the disease the help of the Department is invoked. The duty of the Department's Inspector is not to find out what disease the cattle had but to ascertain if they had anthrax or foot-and-mouth disease. When he is satisfied that it is not a scheduled disease his duty is done. He goes away and as far as the Department is concerned everything is all right. There is no means by which the unfortunate farmer can be told what the cattle are suffering from and in what way the disease might be combated. I contend that as the Minister for Agriculture takes charge of the Veterinary Department, he should also take charge of research in regard to plant life. That can only be done at the College of Science. I think it is a mistake to allow that institution to be handed over to the Ministry of Education. I remember that there was a wheat-growing district in South Africa where a very suitable milling wheat was raised, but the straw became subject to rust. The Department of Agriculture in that country set to work and produced a seed that gave wheat of the same milling quality with a straw that resisted rust. If we had research in this country it would enable us to carry on the business of agriculture. Apart from the evils from which agriculture is now suffering we want more careful research into diseases, their cause, and

also how to get better seeds. As to diseases of animals, I believe there should be a particular Department under the Minister for Agriculture that would investigate these diseases and find out what they are. Half of them are not known. At the present time there is in Co. Wicklow a disease known as "braxy" and the loss to this State from that disease amounts to £30,000 per annum. It would be a very good day that investigation would reveal the cause of a disease that inflicts so much damage on the country. If the Minister hands over the College of Science to the Minister for Education he is giving away the only weapon that can help the farmer to make progress.

**Professor THRIFT:** I think it is quite clear that this Bill is going to get its Second Reading with practically very little or no opposition. Some such Bill is necessary. There has been very little purely Second Reading criticism of the framework of the Bill. In fact, there are many very good points in that necessary framework. I, for one, think that even Deputy Wilson and the farmers will, later on, be very glad that the different branches of education and scientific work and scientific research have all been united. We may hope for some progress and co-ordination amongst the different branches of education once we have got one Minister to take charge of them all. But, I think it is very important, even at this stage, even though it is not strictly a Second Reading criticism, to stress, from as many points of view as possible, the objections which seem to me to lie against the two clauses, which have received most attention from the previous speakers. I mean the clauses referring to the seven Parliamentary Secretaries and the Army—Clauses 7 and 8 of the Bill, I think they are. Even though I run some risk of coming under the lash of the Attorney-General, I will say that it seems to me in the time that I have been able to give to the consideration of this Bill, that both these clauses are open to one line of criticism. That is, that the Ministry have attempted in a Bill, which they themselves wish to be permanent in form, to meet difficulties which arise from exceptional circumstances. I think it

would be wiser in a Bill of this kind, which is intended to be permanent, to make it permanent and not, as the Minister for Agriculture said, elastic, too. If the Bill is made elastic it may be stretched in a way that the framers would not intend it to be stretched. I think it would be wiser if the Bill were made permanent, so that, as far as our lights would go, it would deal with matters which we intend to be in the future permanent, or for a long time, at any rate.

If the Government dealt in a separate way with their proposals for meeting exceptional difficulties, I am quite prepared to admit what the Government claims, the urgent importance of meeting those exceptional difficulties. I am quite prepared to admit that the Ministers are seriously overworked, for example, and that they need Parliamentary help at present. Whether that will be a permanent necessity or not I do not think we can say now. I am quite prepared to admit the need at present for all this suggested Council of Defence, for example. The Minister for Defence the other day said what I am now about to say. It seems to me that this proposal for a Council of Defence is assuming and taking it for granted, in a way that we cannot decide at present, whether it ought to be so taken for granted or not—the existence of a Standing Army. We cannot now go into that question with advantage. I think this proposal assumes that that is going to be the case. I think it would be wiser for the Government to defer such a discussion until we see what the developments in the next two or three years are going to be. I think also that it is regrettable, at a time when there is such urgent need for economising, when the Minister for Finance himself said that he was determined to balance the budget, and that he was sure it would take the greatest cheescparing in order to be able to balance the budget, that the Government should come in and ask for power to spend money, which they say in the same breath that they do not think they will spend, and which they hope they will not have to spend. I think to put such power into the Bill is regrettable. I think it would be wiser to

[Professor Thrift.]

get powers to deal with the present emergencies in the present overworking of the Ministers in a separate Bill.

On the whole, I hope, when we come to the Committee Stage, we shall succeed in getting from the Government important modifications of these two clauses. I think, however, there will also be other alterations required in the Committee Stage of the Bill. I suggest to the Attorney-General for consideration, for example, the introduction of a schedule of repealed clauses. I do not see any such in the Bill. As I said in the commencement, the Bill is capable of much modification in the Committee stage, and I think it is probable it will commend itself to us as far as this Second Reading is concerned, and that we will pass it with little or no opposition.

**PADRAIG MAG UALGHAIK:** Níl mórán agam le rádh ar an Bhille seo. I merely take part in this debate to deal with one extraordinary thing that I notice here in the arguments that are being used in the criticism of this Bill. And that is as regards the Minister for Fisheries. I see here a sort of concentrated attack, or a desire to arraign that Ministry as one of those which should be scrapped for the sake of economy. I think if there is need for any Ministry in this nation it is a Ministry of Fisheries, and no department in this nation requires the service and encouragement and guidance that a Minister could give it more than the fishing industry. We have so many looking to this industry for their livelihood, and so many people who are so absolutely dependent upon it, and upon the development of this industry, that its importance cannot be overstated. We have, at the same time, a field for development in this industry that does not appertain to other countries. We have a prospect of national wealth from that industry, and we should concentrate our energies in trying to obtain and secure it. I think the arguments that have been urged to scrap and do away with that Ministry are not well or intelligently directed. I admit that the industry, at the present time, is going through a period of stress and trial, and going through difficulties

that appertain generally to the same industry in other countries. But it is not at that period of stress or difficulty that we here, who are charged as a body with debating the affairs of the nation, should withdraw from that industry the encouragement which it is necessary it should get to tide it over this period of difficulty, and if possible to bring it to some prospect of success and development. It is a bad time for the doctor to retire when the epidemic is all round. I think now is the time that that industry should be backed up and that something should be done to get it over its difficulties and bring it along its proper road to development.

I am not so much concerned with the other criticisms of this Bill or with some gentlemen who, with clear optical vision, can see ghosts of British Kings and Commanders - in - Chief flying around. Whatever credit they are entitled to for these superior discerning powers, they are certainly not doing any good to the nation by making those allegations which are absolutely groundless. I would urge upon the Ministry to stand behind this Ministry of Fisheries and see that it is properly directed, and that it does its duty.

**Mr. GOREY:** Finance!

**Mr. McGOLDRICK:** I would also urge upon the Ministry to see that there is something done for those people who have to live by the fishing industry, to enable them to earn a livelihood or benefit in some small way. Finally, I may say it is an industry by which can be accumulated wealth for the nation, and I would strongly urge on the Ministry to put that industry on the right road.

**The PRESIDENT:** I do not know that much remains for me to say on this Bill, except again to refer to the fact that the criticisms which have appeared in regard to it, notably in the "Independent," and to which I have already referred, are criticisms which, on examination of the accounts or the charges made by the "Independent," will not bear the same scrutiny as the proposals we have here. In 1914, I think, you could purchase the "Independent" for a halfpenny, and to-day you pay 2d. for it. That fact is not



blazoned in the same little frames that the Attorney-General spoke of; but it is a fact, notwithstanding. There are other reasons, sir, which have prompted those particular references to the Ministries' Bill. I do not think it is necessary for me to go into them now as far as that journal is concerned, but I will refer to them later on if necessary. I think, sir, you know something of that yourself. This Bill is one of the most important measures which will come before the Dáil. In most of the criticisms either here or in the Press, very little consideration has been given to one or two or three important matters. One is that previous to the setting up of the Saorstát there were two Governments functioning or attempting to function in this country. The one which had the confidence of the people had naturally many of the defects of a young Government. The one which was attempting to function in spite of the people must naturally, during the progress of the struggle, have become very much disorganised, and in that disorganised state it was handed over to us, one of the conditions being that practically every official having a certain status in the employment of that Government was entitled, under certain headlines, to demand compensation and to leave the service. As a consequence of that particular provision, we have a very heavy charge to meet annually for a number of years to come.

The real point in mentioning these peculiarities of the particular period in question is that in order to reorganise that Government machinery, certain checks have got to be made and certain administrative control has had to be secured, and in order to get that administrative control we have, during the last twelve months, had three Parliamentary Secretaries, and it is proposed in the Bill to empower the Executive Council to have seven. It is not proposed either inside or outside the Executive Council to have at any time more than three; but it is in our judgment necessary that sufficient authority should be there to make such appointments if and when it is considered necessary to do so.

**Mr. DAVIN:** Would the President

mind telling the Dáil the names of the Parliamentary Secretaries in the Third Dáil?

**AN CEANN COMHAIRLE:** That is not a relevant matter.

**The PRESIDENT:** No, and I think the Deputy knows it.

**Mr. JOHNSON:** I do not know it. It is quite news to me. I thought there was an Assistant Minister for one, and a Minister without Portfolio for another. I did not know of any Parliamentary Secretaries.

**The PRESIDENT:** We may not have called them Parliamentary Secretaries, but I suppose some time or another, when we do commence to give them a statutory position, they are entitled to some baptismal appellation, and if the name is not one by which, officially, they were hitherto known, it will be made more distinct in future. The real question is how far it is possible in this Bill to make for efficiency in Government control. Those who are comparing the appointments of the Ministries in this Bill with those of other States, or other Governments, compare a new State in the circumstances I have mentioned with old States functioning normally and with none of the difficulties that we have had to contend with. I have already mentioned, in the lifetime of the last Dáil, the amount of time that is occupied in dealing with adjustments, financial and otherwise, with the British Government. That time may not be measured in the length of service the Minister can give or the number of hours he can serve in his office. Another consideration which was present to our minds was that in our experience in maintaining a Government which had the confidence of the people from the year 1919 to the signing of the Treaty, we had a Ministry of Fisheries, and we learned that this particular service of Fisheries was an important one, one in which a very large amount of money could be lost, and on which, as a matter of fact, during the time of the First Dáil, a considerable amount of money was expended.

From the experience we had during that time, we learned it would not be advisable to run Fisheries as a Depart-

[The President.]

ment, and that the amount of money that might be expended on maintaining a Minister in control of it might be saved to the State in years to come from the experience we would have of his administration and the attention he could give to this Ministry. For almost twelve months now the procedure which is outlined here in Clause 8 has been practically the same. In other words, there has been an Army Council, and it is in the light of that experience

that this proposal is put forward. I do not know that there is anything further I could say on this Bill. Certainly, from what we have heard of the discussion that has taken place, it is evident that the Bill will receive very close consideration on the Third Stage, and I do not propose to say anything more on it now.

Question: "That the Ministers' and Secretaries' Bill be read a second time," put.

The Dáil divided: Tá, 52; Níl, 25.

Tá.

Earnán Altún.  
Earnán de Blaghd.  
Seamus Breathnach.  
Richard H. Beamish.  
Seoirse de Bhulbh.  
Seamus de Búrca.  
Henry Coyle.  
Louis J. D'Alton.  
Máighread Ní Choileáin Bean Uí  
Dhrisceóil.  
Osmond Grattan Esmonde.  
Henry J. Finlay.  
Desmond Fitzgerald.  
John Hennigan.  
William Hewat.  
Seosamh Mac 'a Bhrighde.  
Domhnall Mac Cárthaigh.  
Liam T. Mac Cosgair.  
Maolmhuire Mac Eochadha.  
Pádraig Mac Fadáin.  
Seán Mac Garaidh.  
Pádraig Mac Giollagáin.  
Seán P. Mac Giobúin.  
Seán Mac Giolla 'n Ríogí.  
Eoin Mac Néill.  
Seoirse Mac Niocaill.  
Liam Mac Sioghaird.

Liam Mag Aonghusa.  
Seosamh Mag Craith.  
Pádraig S. Mag Ualghaigh.  
Martin M. Nally.  
John T. Nolan.  
Peadar O hAodha.  
Mícheál O hAonghusa.  
Cristóir O Broin.  
Seán O Bruadair.  
Próinsias O Cathail.  
Aodh O Ceinneide.  
Conchubhair O Conghaile.  
Eoghan O Dochartaigh.  
Seamus N. O Dóláin.  
Peadar S. O Dubhghaill.  
Pádraig O Dubhthaigh.  
Fionán O Loingsigh.  
Pádraic O Máille.  
Risteárd O Maolchatha.  
Seamus O Murchadha.  
Pádraig O hOgáin (Gaillimh).  
Seán M. O Súilleabháin.  
Caoimhghín O hUigín.  
Seán Príomhdhail.  
Patrick W. Shaw.  
Liam Thrift.

Níl.

Pádraig F. Baxter.  
John J. Cole.  
Darrell Figgis.  
David Hall.  
Conor Hogan.  
Seamus Mac Cosgair.  
Tomás Mac Eoin.  
Pádraig Mac Fhlannchadha.  
Risteárd Mac Liam.  
Patrick McKenna.  
Tomás de Nóglá.  
Ailfrid O Broin.  
Tomás O Conaill.

Aodh O Cúlacháin.  
Liam O Daimhín.  
Tadhg S. O Donnabháin.  
Mícheál O Dubhghaill.  
Donchadh S. O Guaire.  
Mícheál R. O hIfearnáin.  
Domhnall O Muirgheasa.  
Tadhg O Murchadha.  
Pádraig O hOgáin (An Clár).  
Patrick K. Hogan (Luimneach).  
William A. Redmond.  
Nicholas Wall.

Motion declared carried.

**AN CEANN COMHAIRLE:** When is it proposed to take the Third Stage?

**The PRESIDENT:** Provisionally, I should say, the next day we meet after this week. The Minister for 5 o'clock. Finance will not have his statement ready until Friday. He would like to take the Dáil into his confidence on that day with re-

gard to certain proposals he has to make. If a longer period is required I am quite prepared to consider it. Say this day fortnight.

**AN CEANN COMHAIRLE:** Committee Stage is ordered for this day fortnight. Under the Standing Orders, amendments must be in on the fourth day preceding that.

**THE GOVERNOR-GENERAL'S ADDRESS (MOTION FOR RESOLUTION OF THANKS).—AMENDMENT RE FISHING INDUSTRY.**

Debate resumed on Motion: "That the Dáil returns thanks to the Governor-General for his Address and approves of the legislative programme of the Government, as outlined therein." (Mr. James Burke.)

**Mr. THOMAS O'CONNELL:** I beg to move as an amendment:—

"To delete all after the word 'Dáil,' line 1, and to substitute therefor the words 'regrets that in its outline of proposed legislation, as disclosed in the Governor-General's Address, the Government has not included any proposals for the encouragement and development of the fishing industry.'"

Several weeks have now elapsed since this amendment appeared on the Order Paper. My object in putting it down was to direct attention to the fact that in the comprehensive outline of the proposed legislation set forth in the Governor-General's Address, no reference had been made to this very important matter. Since then we have had many discussions in this Dáil in connection with the fishing industry, and the Ministry of Fisheries, in one form or another, and we have had notice, by the Minister for Fisheries, of a Bill to make certain provision in connection with inland fisheries. That all goes to show that the Governor-General's speech is not always to be taken as a true criterion of the programme of the Government's legislation. The proposed Bill refers entirely to inland fisheries, and my remarks will deal largely, if not entirely, with the question of deep sea fisheries. In my opinion the fishing industry in Ireland is, or ought to be, and could be, an industry second only to agriculture itself, and I think there is very great room, indeed, for the development, and for the fostering and encouragement of this industry.

Much attention has been paid, in the past, to the development of agriculture in the country, though we all agree that sufficient attention had not been paid to it. Possibly one reason for the

neglect—the wholesale neglect—on the part of the former Government of this country of this important industry of fisheries, was that while England undoubtedly wanted our cattle, and our poultry, and our butter, she had little or no desire for our fish.

I may say at the outset, believing as I do, that there is in this industry very great room indeed for increased action and development, I do not hold the view—it is a personal view—that there is no need at the moment for a distinct and separate Ministry of Fisheries. I believe that economy, or so called economy, effected by savings on such matters as education or on an industry of this kind, is not true economy, and will have the effect only of increasing the waste of effort and opportunity in other directions. The Government and the country have done a good deal for agriculture. The credit of this country has been pledged, to a very great extent, and it may be necessary that something in the same direction will need to be done to put the fishing industry on a proper basis. The success of the fishing industry depends, like every other industry, almost entirely on proper organisation and proper education of those engaged in it. This organisation and education ought to be undertaken by the Government. We have the question of production, in the first case, and the question of marketing. From the point of view of production we have to consider the people who are engaged in it, the provision of fishing gear, boats, and such matters, and also we want to have the fish. I might say that so far as the man power is concerned, this industry is a skilled one, in the strictest sense of the word, and undoubtedly, owing to the neglect of the fishing industry during the past few years, the number of skilled men is now rapidly decreasing, and this is a matter that will have to be looked into very urgently.

It is rather a strange thing that only one side of the question has really received any attention at the hands of those whose duty it was to foster it. It is almost entirely, so far as Ireland is concerned, a seasonal occupation and is concerned with the inshore fishing for herring and mackerel, whereas

[Mr. O'Connell.]

in other countries very much attention is paid to fishing for other varieties of fish rather than herring and mackerel which find a market during the greater part of the year. There is a question of the provision of gear. That is especially a matter in which the Government can give very great help. There is first of all the necessity for experimental and educative work. It is necessary that those fishermen engaged in the work should know the most suitable class of gear to use. There is also the question of the provision of gear, and, as there is very great initial outlay required, the Government must come to the help of those engaged in the industry in order that they may be able to help by short loans or some such method. I am informed that most of the gear used in the fishing industry is manufactured outside the Saorstát. If that is the case I think there is here a great opportunity of developing what might be regarded as a side line to the industry in connection with fishing.

**AN LEAS-CHEANN COMHAIRLE**  
at this stage took the chair.

**Mr. O'CONNELL:** Nets, for instance, are not made except in one place, I believe, in the Saorstát. Barrels for curing the fish are imported. If that is the case I think this is one of the first things with which the Ministry might concern itself because in these things the production of gear and accessories would in itself form a very useful industry. In some countries very great help is given to those engaged in the fishing industry in providing information as to the movements of fish. I do not know whether that has been attended to here. In some countries aeroplanes are used for this purpose. It is not so much a question of production of the fish that is necessary, as a question of marketing the fish. Fish is a perishable food and rapid transit is really the key to the problem of marketing. Nothing has been done, so far as I know, in the way of organising transit to suit this particular industry. The railways have made no efforts, so far as I know, to accommodate the fishermen and very often we have instances of large catches of

fish which have to be thrown into the harbour again because they cannot be dealt with. This provision of cheap and rapid transit is one of the first things which the Ministry should take in hands. I do not know whether they can do that with the powers they already have. If they cannot, I suggest that they should look for increased powers, because, as I have already stated, this is really the key to the development of the industry. There is also the question of the provision of motor transit in certain districts.

The Arran Island Fisheries are some of the most important we have in the country, and fishing for herring especially is done in the Sound between the Arran Islands and the Galway coast. They take their fish into Galway, a distance of 30 miles. The fishermen lose one or two days per week, and there are other delays whereas there is a harbour along the coast of Galway about nine miles from the Arran Islands at Coshla, where, if the fish could be sent by motor to Galway, the fishermen could fish and land their catches inside an hour. There are several instances of that kind especially in the Connemara area where a motor service could be established and they would help very much in expediting the transit of fish to the markets, but in addition to transit you have the question of providing markets, and here, I think, there is a great scope for the efforts of the Minister. The inland markets are not developed. There is nothing being done to bring the people in the Midlands and the inland portion of this country into touch with people engaged in the fishing industry on the coasts. The result is that whatever little fish is used in the country is, to a great extent, imported from the East coast of England with the exception of some herrings and mackerel in season. There could be a market in Ireland, if a scheme of advertising or organisation were undertaken whereby the Government would come in to help the people who want this cheap and wholesome food to get it from the people engaged in the industry. I do not know of course, as I have already stated, whether or not new powers or new legislation were required by the Ministry to do the things which I have

been suggesting in outline are necessary to develop the industry. Any powers necessary I hold should be asked for by the Minister, and I have no doubt the Dail would agree to give him these powers.

There is a question which has been touched on here before, namely, the protection of the fisheries. I am not quite satisfied that there is not at the moment sufficient protection provided for our fisheries. Foreign trawlers are invading our fishing grounds, and more measures should be taken to increase the measure of protection for our fishing grounds. A branch of the industry which has been neglected, I think, is the provision of curing stations. I do not know whether in the Saorstát any form of curing fish, except one, that is the salting of fish and the packing of them in barrels, is resorted to, but I suggest that there are other forms of curing which ought to be encouraged, for instance, the provision of kippers and bloaters. I do not know whether Irish kippers and bloaters could be provided or obtained. I rather think they cannot. The whole question of the fishing industry is so very wide that there are very many points which can only be touched on in a debate of this kind. My object will be served if I succeed in directing public attention to the necessity of encouraging this industry established on the western coast. It will solve to a large extent the problem of the Connemara areas where agriculture as such is really out of the question, and where this industry is the only mainstay of the inhabitants. The matter of inland fisheries is being dealt with in a Bill which has just been introduced, as I have said, by the Ministry of Fisheries since this amendment was put down, and I have no doubt that other deputies who are more competent than I am to deal with that particular branch of the industry will have something to say to that matter in the debate.

**SEoirse de Bhulbh:** Ra mhaith liom cúpla focal a rádh ar leas-rún Theachta Uí Chonaill ar chúrsai iasgoir-eachta na h-Eireann. Deputy O'Connell's amendment is very interesting and most important to a very large number of people; in fact, it is one of

the most important subjects that we could possibly discuss. I agree with a great deal that he said, but I do not agree with him in this, that we should scrap the Minister for Fisheries. I think fishing is an industry that well deserves to have a Minister at its head, being of such importance.

**Mr. O'CONNELL:** I am in agreement with the Deputy, but I rather said that we should keep the Minister.

**AN LEAS-CHEANN COMHAIRLE:** We cannot go into the question of the retention of the Minister or of dispensing with his services on this amendment.

**Mr. Woulfe:** Deputy O'Connell dealt very fully with sea fishing, and he has not left very much for me to say, except that I might suggest, in addition to the industries in connection with it that might be developed, the making of barrels and nets, there is also an opening for the manufacture of ice to be used in connection with the removal of the fish, and this, with the other industries he mentions, if developed and fostered by the Government, would give a great deal of employment. It is a monument to the inefficiency of the Government from which we have escaped, that the industry has remained in the state in which it is. In fact, the English Government were only shamed into doing something for Ireland in regard to fishing by the philanthropic action of Lady Burdett-Coutts when, years ago, she enabled the fisherman of the North-Western coast to obtain proper fishing vessels. That was a matter that ought to have been done by the Government, and it should not have been left to any individual. Leaving the sea fishing, so ably dealt with by Deputy O'Connell, and proceeding to the inland fishing, of which I know a little, I can say that there is no doubt that in the fisheries of the lakes and rivers, we have, or ought to have, a great source of wealth. I have seen it stated that they would be worth about £2,000,000 a year if properly developed. If the Scotch people had our rivers and lakes in addition to their own, they would have developed them to the last degree. Somehow or other, we seem to

[Mr. Woulfe.] have been apathetic in working them up as they should have been. There is no doubt that in Scotland a great revenue comes to the Government through licences for fishing, and a great deal of money comes into the country in other ways—about £1,000,000, or perhaps more—through what hotel-keepers make and otherwise. In Ireland, I am afraid, the amount received from licences is extremely small.

It ought to be very big, but the apathy that has been over us seems to have covered the fishing industry entirely for years as regards the lakes and rivers. There has been no proper supervision over these for a great many years. It is notorious that Ireland has been the happy hunting ground of the poacher. The man with the rod and the gun practically walked all over the place, paid nothing, and had a very comfortable and very pleasant time for himself, but it was not a profitable time for the revenue of the country. This is a thing which will be for the Minister for Fisheries to settle. I have been, for my sins, on a bench of magistrates for 30 years, and during that time I do not think I have ever seen a conviction for poaching carried through successfully. It has been notorious that poaching on the rivers and lakes was carried on to such an extent that it would be impossible to develop them in any way until it was stopped. Certain efforts were made to stock the rivers, but it was only putting so much more fish into them for the poachers. A great deal of this is, of course, owing to the multiplicity of riparian owners, who do not act together, and what is everybody's business is nobody's business. The consequence was that nothing was done, and the rivers and lakes were simply left derelict. That is not a healthy state of affairs, and it will be for the Minister for Fisheries to put a stop to, for no industry can prosper if it is at the mercy of everybody who chooses to poach. The recent Land Acts have been greatly responsible for this. The multiplicity of owners makes it impossible for anybody successfully to keep the rivers free from poaching, or the lakes either. I would suggest to the Government that it will be neces-

sary for them to have a much stricter control over the rivers than hitherto, either by putting life into the derelict Boards which are supposed to manage this matter, and making them see that prosecutions are carried out, and that rivers and lakes are worked for all they are worth. Until that is done, it will be hopeless to do anything with this industry, as far as the lakes and rivers are concerned. If they do that, I think it will be well worth any expense that they may have to incur, because I am sure that from the fishing a very large surplus will go to the Government from licences, and in other ways money will be brought into the country. I am sure that if the Government do this they will have the country at their back, because it is a notorious fact that for years this industry has not been fostered, has not had the Government attention that it should have.

**Mr. O'DOHERTY:** To develop the sea fishing Deputy O'Connell has laid down three main factors with which I entirely agree, the teaching of the men how to fish, rapid transit, and the obtaining of suitable markets. There can be no doubt that these three things are necessary to make sea fishing a success.

He also mentioned that nets and other equipment for this purpose should be produced in Ireland. I thoroughly agree with him that the Saorstát should be able to do its own work in that respect, but I am sorry to disagree with him in the method by which he wishes to carry out his proposal. It would not require one, but three Ministers to carry out efficiently the proposals which Deputy O'Connell laid down. I represent a constituency where there is a very large sea fishing population. I know the conditions of the trade and the hardships that the men have to suffer, and I know where the shoe pinches. Mention was made by a previous Deputy that the British Government deserved blessings for having left the fishing trade in an excellent condition. My own observation is that the intervention of the British Government Departments in the fishing trade has caused more ruin than the greatest calamity that could occur.

**Mr. WOULFE:** On a point of order, I did not say that. I said that the state

the fishing industry was left in was a monument to the late Government's inefficiency.

**Mr. O'DOHERTY:** I apologise to the Deputy. My own plan is, and I think it is a course that should be adopted by Deputies representing constituencies where the fishing population is pretty large, that the Deputies should organise the fishermen in their districts and lay before them some practical scheme that would suit their districts, and present it to the Minister for his investigation. I hope to have a little representation made of that kind myself. To give effect to Deputy O'Connell's first suggestion, we should have trained fishermen. We should take up first of all the scientific training of the fishermen, and for that purpose the best course, in my opinion, is to employ a skipper from Grimsby, Hull or Fleetwood, with a modern trawler, and place her, with a crew of fishermen in the district concerned to learn the trade. They could be paid on the results of the fishing, which should also pay for the overhead charges of the boat. I understand that boats of that kind can be chartered for six months at a cost of £500. The overhead charges, payment of the skipper, engineer and fireman, and the cost of marketing the fish, would come out of the results of the sales, and the rest would go to the fishermen. With six such boats you could train in six months something like 120 fishermen, and in this way you would have 120 skilled skippers ready to take up this trade. It would also prove that the fish are there, and that the business could be worked commercially. That being so, at the end of six months no difficulty would be found in setting up companies and providing capital to carry out fishing in a scientific way. I suggest to the Minister that that plan might be adopted. Deputy O'Connell might see in the West whether the fishermen can supply a scheme. It need not necessarily be the one I have sketched. I think it would be the easiest way out of the difficulty, considering the straitened financial condition in which the Dáil finds itself.

**Mr. GOREY:** I see the necessity for

this addition to the Address. Our fisheries, inland and sea, have been neglected, and no attempt has been made to develop them. We have been only tinkering with this question before and since the war, and there is no use in saying that at any time an attempt has been made at protection or development. I will deal with the question shortly of inland fisheries. Except the State is prepared to finance the Ministry of Fisheries I see very little hope for inland or sea fisheries. These fisheries ought to be the property of the State absolutely, and there ought to be no private ownership in inland fisheries. To justify State expenditure, we cannot spend money in the interests of the individual. Fish is a different quantity from anything else. You cannot keep fish fenced in on a farm. They are passing through the sea and rivers, and what would be good nationalised in a river would be altogether wrong in regard to the land. The Ministry of Fisheries, and the inland fisheries, will never be a success until we have proper protection. Hundreds and hundreds of miles of our streams never had protection. I have letters from Portarlinton complaining that spawning fish has been hawked round the town and sold at anything that can be got for it at present. I have the same complaints from Clonmel, Carrick-on-Suir, and from every part of the country I am acquainted with, and that has always been the way. I knew cases where spawning fish were taken in such quantities that they were salted, put into the barrels and fed to the pigs—spawning salmon taken at weirs and mills. If a proper system were adopted this could be changed. The money at the disposal of the Boards of Conservators is not sufficient, or anything like it, to police the rivers. The system is all wrong in a good many districts, but it may be right, or nearly right, in others. The Civic Guard and the Military have been mentioned as being of great assistance. In order to make me believe that statement I would like to see the exact figures, and the names of the places where this assistance has been given. The Royal Irish Constabulary under the old *régime* were not of much assistance; in fact

[Mr. Gorey.]  
they were none at all. Their operations were few and far between.

It is not intended, I believe, to have as many Civic Guards in the Free State as there were R.I.C. If that is so what assistance can the Civic Guard be as they will have other duties to perform? If you attach to the Civic Guard a certain number of men specially trained in protection duty, and the detection of poaching, you could easily form a very effective force for the purpose. They could always find accommodation at the Civic Guard barracks, and could be transferred from district to district as the occasion requires. By that means you could form a very effective machine. You would not require so many, just a few in every Inspector's district. It has been suggested that we should have organisation amongst fishermen. That might be possible, but I would have very little hope from such organisation, because we find that some fishermen bring out their boats in the close season and kill spawning fish as well as other people. As to sea-fishing, I am not competent to deal with that matter. On the question of inland fishing I would ask the Government, and the Minister in particular, very seriously to consider the position and endeavour, if possible, to make it a State concern. There is no use saying that money cannot be found. Money can be found for other things that are not necessary at all, such as in connection with the Bill which has just got a second reading. Yet we are told that money cannot be found for an industry that would give a means of living to thousands of people. A Government with that outlook does not deserve to be the Government of the country. I put it seriously to the Government to make this a State concern, and to put finances at the disposal of the Minister to develop the industry.

**Major COOPER:** Deputy Gorey issued a challenge just now as to the effectiveness of the Civic Guard and military in protecting fisheries. I am glad to be in a position to answer that challenge. I own a salmon fishery in Co. Sligo, and in the early part of this year, when I was a private individual, I applied to the Minister for Fisheries

to see if he could give any protection to my water-bailiffs to check the poaching on a large scale which was going on. The Minister took the matter up with the Minister for Defence, and the latter undertook to give protection. As a result four poachers were caught, and they were fined by the District Justice on a far higher scale than poachers were ever fined by any Resident Magistrate. That is, at any rate, one instance in which the Government have been effective, and I know Deputy Gorey will be glad to hear it. As the proprietor of a salmon fishery I felt rather sorry that Deputy O'Connell, in his reasoned speech, made so much reference to sea fisheries, and so little to the inland fisheries, because the value of salmon and trout fisheries is really far greater, from a financial point of view, to the country than that of herring and mackerel, although the herring and mackerel fishing gives more employment. I am in general agreement with what he said about them, except on the question of transit. I do not think the transit question is quite as bad, at any rate where there is a railway system, as he suggested. No doubt in Belmullet and places like that, where there is no railway system, it is as bad as possible, and if the fish cannot be sold locally it has to be sold for manure. I have been most successful in marketing fish, mostly in Liverpool and Manchester. Even last year while the fighting was going on at the Four Courts, and when it was extremely difficult, I was able to get my fish to Greenore, and from thence to Liverpool and Manchester. I think if it is a regular business, with regular supplies, the railway companies will make an endeavour to deal with it. Perhaps it is lack of regular organisation and of making regular consignments that causes these complaints of bad transit to be made. With regard to markets, particularly in the Saorstát, I am in complete agreement with Deputy O'Connell. Not only are there inland towns in which you cannot get fish, but there are seaport towns where you cannot be sure of getting fish. In the town of Sligo, on five days out of six, you cannot count on getting fish. There may be an old man pushing a barrow



round the town from whom you may be able to buy herrings, but if you want to be sure of getting any fish for a specific purpose you have to send 130 miles to Dublin. That is actually where there is tidal water, and within eight miles of a place where there are fishermen with fishing boats. If you go to a shop that is supposed to sell fish you probably find a couple of old hens and a rabbit in the window. Part of the blame lies with the fishermen. Fishermen, I think, are very apt to be easily discouraged. They do not realise the importance of keeping regular markets. If the day looks inclement, or for one reason or another they very often do not go to sea. They do not realise that that means that people will get out of the habit of eating fish. I am not at all sure, although Deputy O'Connell said that fish is a cheap and wholesome food, that it is very much appreciated by the average Irishman. I think we are naturally a meat-eating people. Historically we have always been a meat-eating people. The ancient Irish eat a very large quantity of meat and very little of anything else. I agree with Deputy O'Connell that it is very desirable that we should eat more fish because it is cheap and wholesome and gives employment. I gather that the Minister has some scheme of marketing, and I hope he will give some details of it when he replies.

On the general question, I do not dissent from Deputy O'Connell's amendment, but I would point out that the Government have been better than their word. Though they did not promise legislation they are promoting legislation in regard to inland fisheries, as there is a Bill down for Second Reading to-day. What is really needed is not legislation. As Deputy Gorey said it is administration and protection that we need more, so that if the Government resist this amendment and do not accept it I shall certainly vote with the Government.

**Mr. JOHNSON:** I would like to point out that the amendment proposed by Deputy O'Connell does not suggest that there should be proposals for legislation, but that there should be contained in the Address proposals for the encouragement and development of the

fishing industry. I suggest that there are powers in the hands of the Government at present, without legislation, which would enable them to encourage and develop the fishing industry. Deputy Gorey has stated that he does not know very much about sea fishing, and he, therefore, prefers not to enlarge upon that. I do not know very much about inland fishing, and I do not intend to enlarge on it. On the principle he suggested to the Government, that inland fisheries at any rate, and possibly also sea fisheries, should be State protected, if not State owned—I think he stated State owned—I commend his advice to the Dáil, just pointing out that Deputy Gorey when he comes up against a practical proposition arrives at the conclusion the Labour Party came to some time ago. The Minister has set up a Committee of Inquiry into inland fisheries. I want to put to him the importance of taking into consideration the views of men who are engaged in salmon fishing at the mouths of such rivers as the Shannon. Men have been engaged for generations fishing at Limerick. I do not know how many men are engaged in that industry in a similar way throughout the country, but there are a considerable number, and their interests are of great importance. I would suggest to the Minister that he would be well advised to add to this Committee members of that fraternity, and I use the word advisedly because in the case of Limerick, at any rate, you have a fraternity of men whose families have been for generations so engaged. They have made it a success more or less, and generally have provided for probably two or three hundred people. I think Deputy O'Doherty and others would be well advised before they pin their faith to plans such as were outlined to consider the situation of the fishing industry around the English coast. We have to bear in mind that there are altogether too many fishing boats around these coasts, fishing for the English market. I am speaking now of sea fisheries. There are many hundreds, if not thousands, of boats laid up, not by virtue of the absence of skilled fishermen, but by the fact that fish has been too plentiful for the market to

[Mr. Johnson.] absorb supplies. There were too many boats built and engined and geared, and as a matter of fact they have caught more fish than the people were prepared or able to buy. It might well be borne in mind, paradoxical as it may seem, that the fishing industry around the Irish coast has been developed.

What has been defective is  
6 o'clock. that the fish is not landed and consumed in Ireland. I would like Deputies to remember, that supposing boats were built and equipped, comparable with the North Sea, Fleetwood or Milford trawling fleets, to fish out of Western Irish ports, the fact that the market at present is in Great Britain would lead to those boats doing exactly with the fish what the Fleetwood or Milford boats are doing to-day. They would get the fish to the English market by the cheapest and most economical routes. Such boats as have been trawling from Irish ports have as a matter of fact sent their fish to English markets. Some of them tried fishing out of Dublin and went to the North, but failed. I do not think one has to look for the development of sea fishing at present from the point of view of building new high-powered boats, but rather the development of the market at home and organising supplies to that market. That is not going to mean a tremendous and immediate development in the fishing industry. The market in Ireland is limited by the population, and, as Deputy Bryan Cooper stated, Ireland is not a fish-eating country. I am one of those who believe that the fishing industry will probably have to be revived through the teaching of domestic economy in the schools. If in the eight or nine hundred thousand households there were means, as well as knowledge, for the proper preparation and cooking of fish there would be a greater liking for it, and very soon a much bigger market. I suggest to the Minister for Fisheries that perhaps if he is able to induce the Minister for Finance to assist him, it is rather by advertising the value of fish as a food, and the organisation of supplies to the local market, he will find the ultimate and the greater benefit than from any other means. I am sorry to think that may well mean a supply of

imported fish, perhaps caught and landed at Grimsby or Milford or Fleetwood, in the first instance. There is no use talking of marketing or of organising markets unless a fairly regular supply can be assured. The Minister will agree with me when I say that there is no such gamble known as the gamble of the fisherman. It is a gamble from the beginning of his livelihood to the final consumption of the fish, and it is even a gamble then if the consumer is eating tinned fish. Deputy O'Doherty and others ought also to bear in mind that in view of recent developments the high powered vessels in Scotland, and on the East Coast of England, at any rate, are likely to be displaced by lower powered vessels, strange to say, because they are cheaper to manage. That is a tendency which has shown itself within the last year. It is remarkable, and perhaps, if one may say so, encouraging to Irish fishing, because if it is only possible to compete with rival fishing fleets by meeting them with the same class of boats, it will mean the provision of money, hundreds of thousands, if not millions of pounds, because of the tremendous cost both in production and in running expenses.

I think the Minister is well advised in the line that has been indicated to encourage the market for fish in Ireland. I think he will find, by that means, that eventually there will be an encouragement to fishermen along the coasts to fish regularly and to fish for a larger variety than hitherto. Mackerel and herring are the most important so far as our fishermen are concerned. Possibly the greater money values that are taken out of Irish waters are in trawling fishing, ground fishing, and larger trawl fishing. But the fish are never landed here. Certainly they are never eaten here. I think the dependence upon mackerel and herring has been a mistake, though there is a great food wealth in these two fish. I believe that they are only going to be made valuable to the country or to the fishermen by a very much more extended system of curing and preservation.

Now, perhaps it would not be out of place for me to remind the Dáil that the predecessor of the Dáil in 1920 and 1921 appointed a Commission to in-

quire into the resources and industries of Ireland. That Commission, as a matter of fact, reported very fully in regard to sea fisheries, and I think the report is still on sale and it is very valuable. I would venture to suggest to the deputies who are interested, that it is worth reading and the recommendations made there are worthy of consideration at least. But the recommendations of that report are the recommendations of Deputy Gorey, Deputy O'Connell, and Deputy O'Doherty. I think every Deputy in the Dáil is interested as to the expenditure involved. I believe that the expenditure would be quickly repaid and I believe it would be a very valuable investment. Certainly, in respect to inland fisheries it would give a quick return. When the Minister is pleading for money he should emphasise the importance of that. I think he could easily prove to the Minister for Finance that a quick return in a high degree could be obtained from money well expended by the State in fisheries. I am going to repeat what I have said before. Unless there is money available I think it would be unwise to pretend to have a Department, or at least a Minister for Fisheries, who will be supposed to be doing things that cannot be done without that money. I think that it is not much use to be making a pretence of being able to do work for the fishing industry and for the development of the industry in the country unless the means of doing that work are at hand. It would be far better to delay the operation or the pretence at the operation unless the means of carrying it on were provided. I hope the Minister will enlarge upon the statements that have been made in the past and give the Dáil some further assurance that the proposals for the encouragement and development of the fishing industry are in hands and that the means for those proposals are being provided.

**Mr. McBRIDE:** I am rather interested in fisheries and fishes, but I cannot altogether agree with the Quixotic schemes propounded by Deputy O'Connell. There are plenty of fish. There is no doubt about that. We want the fishermen and we want

the buyers. Off the coasts of Ireland there are illimitable fishing grounds, rich fishing grounds where those trawlers and drifters that we hear so much about poach and to which they are absolutely tempted by a clear field within the three-mile limit of the Irish coast. The fishing of the mackerel, which is more or less a luxury in America, and the fishing of the herring, which ought to be cured, is really the trade which ought to be cultivated, because in normal times the trade in cured herring is something enormous on the Continent of Europe. It is the king of fishes, a fish from which most of the money is made both in England and Scotland. The reason there are such a number of boats laid up along the sea coasts in England and Scotland is really the result of the fiscal conditions in Germany and on the Continent. That is the reason they are laid up and that is the reason for the present state of the market. They cannot sell the fish. They cannot sell it in Germany on account of the state of trade. I hope that the trade in this cured fish for export will be cultivated in Ireland, and that the Minister and Department of Fisheries will do whatever they possibly can in order to encourage it. As to why there is no reference in the Governor-General's Address on the state of the industry, it strikes me that the Governor-General, being the man he is—a man of great capacity and a man of affairs—felt it would be rather silly for him to make any reference to the fishing industry in this country because it would be based upon a report which is practically two years old. I presume that the other Ministries turn out their reports in a reasonable time. The Department of Fisheries turns it out practically two years after date. I think it was in October the Report for 1921 was issued. As far as I can remember, the value of the Scotch fisheries in 1921 was £5,000,000, the value of the Irish fisheries was about £200,000. I hope that under the new conditions prevailing in the Ministry of Fisheries that the Report will be turned out at least two or three months after the end of the financial year.

**Mr. COYLE:** Ba mhaith liom beagán

[Mr. Coyle.]

a rádh ar an g-ceist. Ní morán atá agam le rádh an iarraet so. I have listened carefully to all the Deputies who have spoken, and I must say that I fully agree with most of what they have said, though not with all. We all know that the fishing industry has been very much neglected. At the same time, I do not think it would be fair to blame the Ministry of Fisheries for this neglect. There has been a terrible lot of poaching going on. We all know that. It was just as difficult for the Minister for Fisheries to stop poaching as it was for the Minister for Defence to stop the burning of houses. Deputy O'Connell referred to motor transport. Certainly I am very much in favour of that where railway facilities are non-existent at present, or where they are not likely to be available. In the constituency that I represent, North Mayo, there are two bays which are very rich in fish, Blacksod Bay and Broadhaven Bay. The fish that is caught in Blacksod Bay must be sent to Achill Sound, that is the nearest place. The fishermen have in one day to catch the fish, and in the next day to take it to Achill Sound. They can only get into Achill Sound according to the condition of the tide. The railway station at Ballina, which is the nearest station to them, is 42 miles from Belmullet. In that case certainly a motor lorry would be very convenient and very useful. The fishermen could fish every day and have their fish sent away every morning. With regard to the question of market for fish, if you take Athlone or Mullingar or those inland towns you will find that you can get no fish there, and at the same time the fish is going bad at Blacksod Bay and Broadhaven Bay and other places.

We had Deputy Bryan Cooper referring to Sligo, and he said that he could get no fish at all in Sligo. I am surprised to hear that there cannot be a man found in Sligo who would open up a proper establishment for the sale of fish, and say to himself he would open up a trade for fish in that town and district and arrange with the fishermen to supply him with what he would require. The same applies to other towns. Certainly they ought all be able to pro-

duce one man who would take up this business and supply fish to the district. He also said that some of the fishermen are very easily discouraged. I quite agree with him in that. They are very easily discouraged. But if you take the case of one or two men who are going out in a boat with a carrying capacity of 8 or 9 cwt., I think you will not be surprised to find that they are very easily discouraged.

Deputy McBride says that we wanted fishermen and buyers. We have the fishermen; let us get the buyers. There are plenty of fishermen, and all they want is the gear. If they got proper substantial boats and proper gear, the fishermen are all right, and we can look for the buyers. There is a matter I would like to be made clear on. I have been informed that the territorial waters embrace the three-mile limit, and that in some places the fishing limit is nine miles. The result is that foreign boats can fish between the 9 mile limit and the 3 mile limit. I would like to be made clear upon that matter, and if that is the case I do not think it is very fair to Irish fishermen. I hope the Minister will accept a lot of the advice that was given here. I am sure all the Deputies can be of great assistance. If they all interest themselves as much as some of those who have spoken, I am sure they can render assistance to the Minister and help very much in this important matter.

**Mr. SHAW:** I would like to impress upon the Minister for Fisheries the great importance of hatcheries. For the past 2 or 3 years the trout coming up the rivers have been all destroyed, and the result is there are very few fish of that type at the present time. Around Mullingar there was a small experiment carried out last year, as a result of which fifty thousand trout have been turned into the Co. Westmeath lakes, at practically a nominal cost. As Deputy Gorey said the other day, fishing is nearly as important a matter as the farming industry, because the lakes are teeming with wealth and teeming with food. It is really a most important matter. I do not intend to go into the details of the various causes of the fishing trouble, and I go no further than to impress upon the Minister the

desirability of developing the fish-hatching industry. That is the way to produce the fish, and if they are supplied to the various lakes in the manner I have mentioned, in a few years, if they would not be poached, there would be plenty of fish.

There is another matter which may be news to the Deputies, because it is a thing that is not generally known. It is in connection with pike, the fish that destroy the trout. All the young trout in the lakes and rivers are simply food for the bigger fish. About March or April in each year the pike go into the shallow waters to spawn. At that period you will get pike up to 30 pounds in weight. I have been myself responsible for shooting thousands of them. In Belvidere Lake the number destroyed in the month of March would amount to thousands. The result of destroying pike is that the young fish get a chance to thrive. I wish to emphasise the necessity of preserving the young fish and the great possibilities that exist with regard to hatcheries. I would impress upon the Minister the necessity of devoting a great deal of his attention to the industry with a view to restocking the lakes that have been depleted by poaching, especially in the spawning time, during the last two or three years.

**Mr. McGOLDRICK:** I do not think this question presents such difficulties as I have heard pointed out. I have some experience of sea fishing. In two areas of the county I come from, there were, three or four years before the war, five landing places. One of these landing places contributed, in dues, a sum of £500 to the County Council. As the dues were small, a very large quantity of fish must have been disposed of to realise a sum of £500 in dues alone. I think if the collection of these dues is taken charge of, in some shape or other, by a Government Department, or by the Minister for Fisheries, it would provide a basis of security to enable the Ministry to assist in properly equipping and fitting out fishermen who would be unable to buy gear themselves, and this, I contend, would help in the development of the industry. If such a scheme were introduced, making provision for the security that I speak

of, I do not think the cost to the State would be very much, if it were to assist in properly equipping the fishermen in the country engaged in the industry. In this connection, too, the assistance of the County Councils might be invoked. These dues could be collected in the manner I suggest, and could be availed of as a security for the development of the industry. It may be, as Deputy Johnson pointed out, that the times have changed as compared with the period of three or four years before the war, and that the conditions that obtain now are altogether different to what they were then. It may be, too, that the market for fish is not as good now as it was then, and that although you might have as good catches of fish, that the return in dues, owing to the financial condition of the country, would not be as good as it was some years before the war. I know that you have the fish and you have also the fishermen. These latter constitute the very best material that you could get anywhere. They are men who are prepared to face anything in the pursuit of their undertakings. They are the very best class of fishermen that you could possibly get.

With regard to the question of finance, I do not think the Ministry should allow that to stand in the way of the development of the industry, seeing that the return from dues alone would be a guarantee to the State against any expense the State might incur in providing proper equipment for the fishermen. The industry in my opinion is one of the most important that we have. The people engaged in it are the most worthy people that we have in the country, and I must also say, they belong to a class which is least able to help itself. They live in remote parts of the country, and are not in touch with centres that might be able to assist them in one way or another. They have to rely, almost entirely, on the Ministry, and on the agents it sends out, to assist and guide them in pursuing their undertakings. I do not think the Governor-General, in his Address in referring to forthcoming legislation, could have touched on a subject of more general importance or interest to the country, than the development of the fishing industry. Al-

[Mr. McGoldrick.]

though the industry has not been referred to in that Address. I am sure that it is none the less being considered by the Government and its responsible officials. The Government has placed a Minister in charge of this industry and I am sure that it will now be dealt with in a manner satisfactory, not alone to the nation, but to all concerned in its development.

**FIONAN Ó LOINGSIGH:** Cúis athais dom iseadh é fheicheadh go bhfuil na Teachtaí a chur suim 'sa cheist seo. Ceist tabhachtach iseadh ceist iasgai-reachta na hEireann agus ma bhi aon amhras nach rabh Teachtaí na Dála a' chur suim 'san cheist tá a mhalairt de thuairim ann anois.

If anybody had any doubt in his mind before this, that the question of fishery development was a matter of no concern to members of the Dáil, they have surely been relieved of that doubt. It was, I might say, a pleasure to me to find that Deputies, from every part of the country, take a very intelligent interest in the fishing industry, both sea and inland. To come to the amendment itself, I think Deputy Johnson practically answered that. Legislation will not be needed to develop the industry. I feel that, under the Ministers' Bill and the powers of the Congested Districts Board and of the Department of Agriculture and Technical Instruction, which have been handed over to us, that we have sufficient power to carry on without any further legislation enabling us to do so. Deputy O'Connell referred to the fact that, under the old *régime*, more attention was devoted to the development of what might be called casual fishing, that is to say, drift-net fishing and occasional fishing of salmon and herring, than to trawling, which is of a more permanent type, or, as one might say, all-the-year-round fishing. The Deputy referred to the fact that in other countries it was on this aspect of the fishing industry that the people concentrated. In Great Britain that is so, but it was not through Government agency. The development of trawling is a matter for private or capitalistic enterprise.

And now we are bringing that for-

ward, and we have brought it before the Chambers of Commerce. Deputy O'Connell referred to the possible development of the supply of gear. That was done by the old Boards, and continued to be done until comparatively recently by the Ministry. Its financial provision for the supply of gear is curtailed for the moment, at least, owing to the financial conditions. I might say that outstanding loans amount to between £120,000 and £140,000, and this fact, of course, governed a good deal the action of the Minister for Finance in stopping any further financial loans for the moment. Deputy O'Connell referred to the industries in connection with fishing, the making of nets and fishing barrels, etc. Nets are made at one place in Ireland—Baltimore. There are no barrels made at present. But it is difficult to know whether the suggestion is that the Government should start factories. The Government is encouraging, as far as it possibly can, any enterprise that is undertaken in this way by private individuals, having in the past provided loans. As a matter of fact, there is, I understand, a proposal for the barrel-making industry now being revived in West Cork. The Deputy referred to what we are doing in regard to the provision of information as to the movements of fish, and he referred to the fact that aeroplanes have been used by other countries. But the fact is no satisfactory result was effected or accomplished in that way, and the aeroplanes have been a practical failure as far as getting any real information is concerned. The next point he mentioned is a very important one, namely, that of marketing and transit. Nearly every Deputy referred to these two things, as they naturally would, as the most important in their speeches. To take transit first; we are, of course, always in close communication with the Ministry of Industry and Commerce in regard to transit. We have got some concessions, not a terrible lot, because we are always met with the reply from the railway companies, if we ask for reduced freights, that they are up against high wages bill, high cost of coal, etc. The Deputy mentioned the Arran and Coshla Bay Scheme. That

is being examined at the moment by the Department, and if it is found practicable it will be adopted. It is known, I think, that we have under way a plan for the development of markets. As a matter of fact, one section of the Department is at the moment devoting all its time to it. A general outline of their scheme is the organisation of the retail trade in certain selected towns for a start.

The appointment of salesmen from the Ministry to work up the trade, a scheme of propaganda to encourage the eating of fish, and then, after having encouraged people to eat it, to organise regular supplies to these inland towns. Deputy O'Connell also raised the question of protection. That is, of course, an old sore. There has always been considerable poaching. It has continued, and it possibly increased in recent years from one reason or another. But we hope that with the aid of the additional patrol vessels, now placed at our disposal, and that have actually done considerable work already in aid of the Ministry, we hope to make this poaching not so profitable for those persons as it used to be. Then he mentioned kippering stations, and he wanted to know if there was any such thing as an Irish kipper to be got. There are kippering stations at Dunmore, Howth, Clogherhead and Baltimore. These have all been assisted by the State in the past. Then Deputy Wolfe referred to ice making plant. These are, as a matter of fact, being now gradually developed—and developed by private enterprise. There is one in Cahirciveen and one in Galway. In the past, the procedure of the Department was that they supplied the ice at a low cost during the season. This was found more practical than setting up anything in the nature of Government ice factories for the short periods that it would be necessary to use them during the year. With regard to the question of licences, that at the moment is being considered by the Ministry. It was one of the questions submitted to the Advisory Committee on Inland Fisheries recently. Provision is also being made to enable the Board of Conservators to deal more effectively with the question of protection by

putting them on a better financial basis. Deputy Gorey wanted to know what the Civic Guard or the military had done, and Deputy Bryan Cooper was good enough to mention at least one specific case. I can quite easily give many more, but I cannot do so offhand, and I can give figures of prosecutions at the instance of the Civic Guard and the military. I know, as a matter of actual fact, that they have been effective, and much more effective, than the old R.I.C. Deputy O'Doherty referred to organising the fishermen on something like a co-operative basis. Well, I am waiting to see a scheme in writing before I commit myself. I am prepared to scan, very carefully, any scheme submitted to me by any Deputy, but I will be quite candid and say that I will look very carefully at any scheme of that kind. My first few months after the formation of the Ministry, had to be devoted practically to cutting losses as a result of former schemes of co-operation undertaken by a former Minister, all of which proved to be failures. It is, as a matter of fact, the general belief, by persons who know them best, that before co-operation can be undertaken, our people engaged in the fishing industry will first of all have to have a long educational course. Their life and work is individualistic, and it is extremely difficult to get them to accept even the very first principles of co-operation.

**Mr. JOHNSON:** How does a crew work?

**Mr. LYNCH:** Occasionally they work on the share system, but you will find, at any rate, that even in the buying of their ordinary provisions, if you except the crew of one boat which does not mean co-operation, they will not co-operate. The crew of one boat will be trying to down the crew of another boat, and co-operation between four or five persons does not mean a scheme of co-operation, surely. You might as well say that because one family will try to work things out for the benefit of themselves that that is a sign that co-operation is possible generally. Deputy Gorey referred to the sale of

[Mr. Lynch.]

spawning fish. That is an offence; and if there has been neglect in the way of prosecution there, it is the fault of the bailiffs, and, of course, if it is done openly, it is also the fault of the Civic Guard.

**Mr. GOREY:** Who ever saw a bailiff in Portarlington?

**Mr. LYNCH:** The Deputy is a member of a Board of Conservators, and they are supposed to have control.

**Mr. GOREY:** I am not.

**Mr. LYNCH:** Deputy Johnson referred to the fishermen at the mouth of the Shannon. On the Inland Fishery Committee already there are two representatives of the net fishermen in estuary waters, one at the mouth of the Liffey and one from the mouth of the Boyne. I will look into the question of whether we can add further to the present Committee.

I do agree, as Deputy Johnson thought I would, that the fishing industry is a gamble from start to finish. I may say that it was because of that that I think the system of finance, which I will be raising with the Minister for Finance, in regard to the development of fisheries that prevailed with the C.D.B. is preferable to the actual control of every detailed item of expenditure that prevails at present. That matter will have to be dealt with departmentally. The Deputy from Mayo referred to the territorial water fishery limits. The limit is, of course, three miles, and we have certain bye-laws which are extra territorial. The actual position with regard to those is that a foreign boat can fish legally outside the three mile limit and within our bye-law limit. A French boat can do so. At the moment the bye-laws that existed prior to the 6th December, 1921, affect British vessels as they affected them formerly.

**Mr. O'CONNELL:** Might I ask the Minister to say whether British vessels can legally fish there?

**Mr. LYNCH:** That is what I say. At the moment British vessels are governed by our bye-laws as if they were Saorstát vessels. In other words, at present they are not treated as foreign vessels.

**Mr. O'CONNELL:** They ought to be.

**Mr. LYNCH:** It would hit ourselves. The British vessels would be very glad to be treated as foreign for that particular purpose. Deputy McBride referred to the delay in the publication of fishery reports by the Department of Agriculture. I myself was pressing for a long time for the issue of these reports, and I know that one of the causes for delay was the change in the Government and also a technical point as to the difficulty of presentation—a certain procedure about the presentation of the reports. Deputy Shaw referred to the hatcheries and their development. That is a question that is receiving the attention of the Ministry and certain proposals were put up with regard to those of the Inland Fisheries Committee. There is not very much use in going very far in the establishment of hatcheries until first of all we have secured protection. Even though I am glad that the amendment was brought forward, since it has resulted in such a useful debate, I feel that there is really no necessity for it, and that there is no necessity for inserting anything in the Governor-General's Address with regard to the encouragement and development of the fishing industry.

**Mr. O'CONNELL:** My main object, as I said in introducing this amendment, was to draw attention to the fact that this important matter seemed to have been forgotten when the Government was preparing its legislative programme. Now the Minister has satisfied me that, at least, it has not been forgotten, even though it was not mentioned in the Address and, while not wholly satisfied that everything is being done that might possibly be done, we will wait further to see the results. I ask, therefore, the leave of the Dáil to withdraw the amendment.

Amendment, by leave, withdrawn.

#### **AN LEAS-CHEANN COMHAIRLE:**

The main motion is now before the Dáil.

**Mr. DAVIN:** I am very glad to notice that Deputies generally have thought fit to ignore the suggestion of Deputy



Nicholls in seconding the vote of thanks when he said: "I do not think that there is any need for dealing in detail with a subject like this." As we all know, and as Deputy Nicholls should know, it is very important that the Address of the Governor-General, which is not a personal matter but merely an expression of the opinion of the Government regarding their future policy, under the circumstances which prevail in this country and under which the Ministry has been returned to office, every aspect of that Address should be thoroughly discussed. As Deputy Captain Redmond said, it should be finally disposed of before any legislative measures outlined in that Address are introduced into this Dáil. One would imagine from the very short statement of Deputy Nicholls that he was returned to support the Government without knowing the programme that he was returned to support. Unlike every other country, or the governing party of every other country where normal conditions prevail, this Government has been returned without putting any definite legislative programme before the people. Therefore I think that is a very important reason why Deputy Nicholls, even as a member of the Government party, in seconding the vote of thanks, should have dealt in detail with the address of the Governor-General. The Governor-General in the Address refers to the recent Electoral Act passed in the last Dáil, whereby every person has a right to share in the setting up of the government of the country. I deny that the Electoral Act, which brought a certain register into operation, gave the people who are entitled to it the right to share in setting up the Government and participating in the administration as a whole.

I know of many instances where hundreds of voters' names appeared on the first print of the register, and when the final register was produced those names were omitted without any explanation being given to the parties who had a right to have their names on that register. I am very glad the Minister for Local Government indicated a few days ago that it was the intention of the Ministry to set matters right on that point. One fails to under-

stand, however, why in the recent election a very large section of the community failed to exercise the franchise. It is quite true that in other countries a certain section of the community failed to exercise the right which they have in the setting up of the administrative machinery. To me it appears that the people who in the recent election refused to take their share in the election of the Government were, to a certain extent, ignoring Parliamentary institutions.

If such was the case I should say people should be compelled to go to the polling stations and register their opinions in the ballot boxes under the penalty of a fine. Those who refused to acknowledge their duty in the setting up of the Government of their choice should be penalised. The Address goes on to state that time and opportunity in the past year did not permit of any but temporary provision being made for the Civic Guard and Military forces and states that it is the intention of the Government in the Dáil to introduce measures giving a permanent form to the Civic Guard and Military Forces. I cannot fail to notice the manner in which the Civic Guard have conducted themselves under the very trying conditions in which they were working as compared with the general conduct of the military. Might I express the hope in the new re-organisation foreshadowed by the Minister for Defence that only those who have conducted themselves in a proper way will find a place in the new Army organisation, and that any officers or men who have by their misconduct thrown discredit and dishonour on the Army and the Government will find themselves in the ranks of the demobilised.

I think it is eminently desirable that it should be made quite clear to those who compose the army that this army, which is paid by the whole of the people to protect the people, is not conducted on the amateur lines of the army which had only the support of a section of the people previous to the Treaty being signed. The method of demobilisation indicated by the Minister for Defence is generally satisfactory. It goes further than the statement made in this Dáil two or

[Mr. Davin.]

three months ago when he said it would be quite possible to reduce the army to 30,000 within the year. He has now stated it will be possible to reduce the army to 20,000. May I express the hope, especially in view of the great amount of unemployment, that demobilisation will be gradual, and will, as far as possible, only take place in accordance with the requirements of the labour market. It might

be far better under conditions existing at the moment to have 5,000 or

10,000 men in the army under discipline than to have them going out on the unemployment dole and misconducting themselves in a manner in which they could not be dealt with as if they were in the army. I do not want to go very much further into the question of army discipline. It is rather a delicate matter, but I think the Government will realise that the overbearing attitude of many army officers resulted in the last election in a considerable number of people voting anti-Government not so much because they were anti-Treaty but because of the overbearing attitude of the servants of the Government. I want to draw the attention of the Minister for Defence to the practice of military officers going about in civilian attire. This should be discouraged, and in any other country is not practised to the extent to which it is here. There is also the question of the non-payment of old outstanding accounts. I happen to be one of the members who frequently receive communications from constituents of mine who are still owed old accounts dating back to 1922. I see no reason why those old accounts should be outstanding and why Deputies in this Dáil should be called upon to go to Portobello Barracks frequently to ascertain why such and such an account, which has been outstanding for two years, has not been paid. The Minister for Finance, in a statement to the Dáil, said that many of those accounts were fraudulent. That may be so in some instances, but it is a remarkable thing to find fraudulent accounts or overcharged ones certified by local officers as being correct. I hope he will give this his at-

tention so far as the years 1921 and 1922 are concerned.

The Address claimed that the Government intend, have, and will, continue to take effective steps to deal with all those who challenge its authority. So far as I am concerned, I have always been quite prepared to support the Government in any effective steps they might take, so long as they were constitutional, which they might deem necessary to deal with those who challenge the authority of the people's Government by force of arms, and I am quite sure that every Deputy is prepared to give every possible support to the Government to see that armed robbery, which has recently been such a menace to the citizens of the State, shall be put down, and put down in the strongest possible manner. I realise that while this armed robbery goes on it makes it very difficult indeed for the State to come forward and ask the people to lend them money, so that it may carry on the ordinary work and machinery of Government. In my opinion, the extent to which it was going on until recently helped to reduce the credit of the State and to bring down its borrowing powers when it is necessary, as at present, for the State to look to the people for the money required to carry on.

We have had a very interesting debate on that aspect of the Address dealing with the question of high prices, high profits, and high wages, and, mark you, the Governor-General says: "High prices, high profits, and high wages can no longer be sustained by a country whose economic life has agriculture as its base and foundation." I deny that high prices, high profits, and high wages exist in the country's main industry, agriculture, and so far as that aspect of the Address is concerned, it does not exactly picture the situation as we find it today. So far as I can gather, representing, as I do, an area that depends to a large extent upon the prices which it receives for its agricultural produce, profits to the producer have gone down in many cases below pre-war figures, but notwithstanding that there is no reduction whatsoever to the consumer. I

was deeply interested in the speeches of the merchants, made from the Government benches, speeches largely, perhaps wholly, directed to the question of high wages, without making any attempt whatever to justify the profiteering going on in the community in which they themselves were associated. So far as I can see the producer, on the one hand, and the consumer on the other, are being fleeced, and it is quite possible that if the producers were better organised and the consumers were organised through the co-operative movement they would eliminate that very dangerous section, the profiteering section, which, in my opinion, is the principal cause of the industrial upheavals in recent months. The Government set up a Commission on Prices that sat for a considerable period. Deputies have been furnished with the Report and Recommendations of that Commission, but up to the present we have had no indication from the Government, except this very vague thing from the Governor-General, as to what the Government intends to do to deal with the question of profiteering. It may appear strange to say so, but we have to face the facts, and so far as Dublin is concerned, in my opinion the greater part of the trouble is due to the high prices of beer and stout. Deputies may laugh and may appear to think that is not correct, but beer and porter or stout is looked upon, and is, in fact, a food to a certain class of worker, and while the prices stand at their present high level, I think that the Government is not justified in failing to deal with the question. I have figures to show the profiteering going on in that particular trade. At the present price the gross profit on the sale of one barrel—32 gallons—of draught porter is £3 5s. 0d., draught stout, £5 3s. 0d.; bottled stout consumed on the premises, £9 6s. 7d.; bottled stout consumed off the premises, £5 10s. 5d. The nett profit on the sale of one barrel of each of the above per week would show, in fifty-two weeks, a gross profit of £1,189 10s. 0d. If five barrels of each per week were sold the total profit for the year would be £5,947 10s. The corresponding figures for 1914 were: profit on one barrel a week of draught porter for fifty-two

Vol. 5.

weeks, £277 11s. 0d., as against £1,189 10s. 0d., and the profit on five barrels of each per week for fifty-two weeks was £1,387 15s. 0d., as against £5,947 10s. 0d. I would like to hear from some Minister what has been done or what they intend to do to deal with the question of profiteering in the licensed trade. If they deny that it exists, then we know where we stand. But if they admit it exists to the extent of the figures I have given, I would be glad to hear what they intend to do.

In the wages disputes during the last six or twelve months the Government have thrown the weight of their influence and support on the side of the employers to bring down what they said were the high wages, while at the same time they have made no attempt to deal with the profiteering. Deputy Egan referred to what he called the standard of luxury, and indicated that the large increase in the number of picture houses in Dublin, compared with the time when he was a boy, was due to the high wages which the workers are spending in the very foolish manner of patronising picture houses. He did not exactly say that he would rather see the workers remain at home, after a hard day's work, in the slums in rooms for which they paid 10/- or 12/- a week, or go into the nearest public-house and pay the high prices I have indicated for porter. I do not happen to be a patron of picture houses myself, but it would be very interesting to know from Deputy Egan what liberty or what pleasure he will allow the ordinary worker who has worked hard for eight hours on the Dublin quays, or at some other business. He referred also, and naturally we have had a good many references of the same kind, to the domestic differences supposed to exist in the ranks of the Labour movement, and indicated pretty clearly that the industrial disputes were created by these alleged differences. It would be rather an unusual experience, not alone in the family circle, but in the wider sections of the community, among labourers, manufacturers or employers, to find that everybody, in the days in which we are living, were united. It is quite true that certain individuals who took very little part in the building up

[Mr. Davin.] of the Labour movement, and have recently issued a challenge—a challenge which to me, and I am only speaking as an individual, meant the setting up of a dictatorship within the Labour movement. As a Labour Party, recognising that the governing principle and the foundation of our movement is that the rule of the majority should prevail, it was up to those of us who stood by the principle of majority rule to stand up to the challenge, and if workers or people associated with the Labour movement, and they are very few, thought fit to support such a claim as that, a claim that definitely meant the setting up of a dictatorship, and if the country suffered as a result of the struggle that went on, not in the Labour Party, but in one particular union, then I think that whatever has been done to defeat that challenge was in the interests of the country and, no doubt, also in the interest of the Labour movement.

There seems to be an impression in the minds of many speakers, particularly those from the Farmers' and Government benches, from the employers' side, that the only people who pay taxes in this country are the farmers and merchants. It is quite clear that so far as the taxes of the merchant are concerned they are in all cases passed on to the consumer, so that that aspect of the case does not impress one who finds himself in the position of the ordinary consumer. There was a very lengthy discussion on the question of finance and high salaries, and the Minister for Agriculture, in dealing with the question of high salaries in the Government service, said: "The Dáil is entitled to know that the salaries we pay are what we can afford to pay." Looking through the Estimates, which we scanned very closely in the early part of the year, and which we dealt with at considerable length, one finds it hard to understand why there should be any necessity for three individuals in the Governor-General's establishment drawing £2,800 per annum, and salaries of £1,100, £1,000 and £700, while at the same time the Minister for Agriculture comes along and says there must be a cut in the teachers' salaries, which are not a quarter of what these

individuals' salaries are. In fact, the item of £2,800 for A.D.C.'s to the Governor-General represents, roughly, the average salary of ten teachers, or the payment at the maximum figure of 107 old age pensioners. I would be very much interested to see on what grounds the Minister for Agriculture would justify that item, and there are others like it in the Estimates which we passed some time ago. The Minister for Agriculture also indicated that the cost of living could be reduced only by some superhuman effort on the part of Deputy Johnson. He did not tell us how he thought Deputy Johnson could do that, but there are ways which I would suggest to the Minister for Agriculture by which he himself could help to bring down the cost of living. We are well aware that the high internal transport rates are placing a very unfair burden on the charge of the commodity to the home consumer, and on the other hand, that the low rates from British towns, either inland or sea borne to the Irish port gives a decided preference by their low rates, the British articles being dumped into the home market as against our produce. I would like to give one or two figures to bring it home as clearly as I can to the minds of the Deputies how it works out in practice. Some time ago I was speaking to a constituent of mine who is a very large egg exporter, and he told me that he was gradually losing his trade in the British market on account of the very high internal freight charges. I made inquiries, and looked up some of the rate books to see how the position affected him. I took the cost of eggs from Port Laoghaise to Dublin, a distance of 57 miles, and found it was 9d. per ton per mile; the rate for eggs from Port Laoghaise to London, 385 miles, works out at 3½d. per mile. The rate from Dublin to London, 334 miles, is 2½d. per ton per mile, showing that the home consumer is having an unfair burden placed on him by the high internal rates prevailing as against the charges from Dublin to the British markets. The rate for butter from Ballybrophy to Dublin, 72 miles, is 7d. per ton per mile. From Dublin to London, 2½d. per ton per mile, and from Ballybrophy to London, 400 miles, the rate is 3d. per ton per mile. Bacon

from Roscrea to Dublin, 83 miles, is 6½d. per ton per mile, and from Dublin to London it is 2½d., and from Roscrea to London it is 2¾d.

Within the Ministry for Agriculture there is a department which used to function previous to the setting up of the Treaty, whereby people who were affected by these very high rates on agricultural produce could seek assistance, and bring their grievances before the Railway Rates Tribunal. To that extent public funds were at the disposal of people who suffered in this way, and in many cases they succeeded in having the high rates on agricultural produce reduced. Deputy Gorey would say, no doubt, that the high internal rates are due to the higher wages of the railway workers in Ireland. I will tell Deputy Gorey in advance that if he can produce evidence in support of that I will be agreeably surprised. The general conditions of railway men in Ireland and England are the same, with the exception that railway men in Ireland are paid a lower rate for Sunday and overtime work, and 2,000 Irish railway men, who work the very small companies, work 10 per cent. below the average rate for other railway men in Ireland and England. It is not a question of the higher rate of wages, in this case, and it must be a question of bad organisation in Irish railways. It is for the Minister for Agriculture, and those behind him, to justify that system, or to say in what way they intend to have it remedied. I have quoted rates, from my own constituency, for agricultural produce, and it is a constituency that was a large exporting area so far as these commodities are concerned. The rates quoted may appear high, but as many people know, for the last two years the railway goods service was very bad, so far as export is concerned, and in many instances these commodities had to be forwarded by passenger train, where the rates are 100 per cent. higher than those I have quoted. A significant thing in connection with this question of high internal railway rates is that the Northern companies, and companies serving the border in or around the Six Counties area, have reduced their rates to a considerable extent. Some

time ago a Commission dealing with this question went very closely into the existing railway rates, and an official of the Department of Agriculture in his evidence said that the railway companies, such as the Great Northern, the Midland (Northern Counties), the Belfast and County Down, Dundalk, Newry and Greenore, the Derry and Lough Swilly, the Sligo and Leitrim and Northern Counties, the Cavan and Leitrim, the Clogher Valley, Castlederg and Victoria Bridge, etc., having a total road distance 1,303 miles, of which 530 miles are in Saorstát Éireann—I merely draw attention to this aspect of the railway rates, so that the Northern companies, which it cannot be said are in a different position to those in the Southern area, have reduced their rates from 150 per cent., pre war, to 100 per cent., as well as abolishing many of the flat rates.

The result of that is that the people in Mayo, Sligo, Cavan and Leitrim who forward traffic are getting a natural inducement to send their traffic through Belfast port. That is probably one of the reasons why the railway companies in the Six County area have agreed to this reduction. The official attached to the Department of Agriculture was asked whether any representations were made to the Southern railway companies to bring about similar reductions. He stated representations had been made, and that the companies declined to agree to any of the reductions that were given by the Northern companies. The financial position of the Southern railways was pleaded as the reason why they could not adopt these reductions. The official further stated: "At the present time none can challenge the reasonableness"—and this is a very important matter for the Minister to explain—"of the rates originally imposed by the Minister of Transport on the 1st September, 1920. Under the Act it was laid down that any increases directed by him were to be deemed to be reasonable. The present position is that until there is some repeal of the provisions of that Act, as far as Irish produce is concerned, these high rates of Sept., 1920, obtain, except in so far as the companies may voluntarily modify them as the Northern group did, but

[Mr. Davin.] none can compel them to reduce them." That is the evidence of an official associated with the Minister for Agriculture, given at a recent Commission in connection with railway transport rates. The Minister taunted Deputy Johnson with having in a speech which he said lasted over an hour—and which got only three inches in the Press—

**MINISTER for AGRICULTURE (Mr. Hogan):** That is not my fault.

**Mr. DAVIN:** He stated that the only suggestion Deputy Johnson made was that of a tariff on imported goods.

**Mr. HOGAN:** He made two suggestions—two wholly distinct suggestions. One was to increase taxation and the other was to put a tariff on imported goods.

**Mr. DAVIN:** I suggest that the Minister, by agreeing that the railways should be allowed to set up and continue to impose these high rates, by his own action imposes a tariff on our exports, and, on the other hand, by allowing the low railway rates on British imported goods to be continued, is associating himself with a tariff on our exports and with the giving of a decided preference to imported goods into this country. If the Minister is prepared to justify his association with such a policy as that, the Dáil would like to hear how it can be done. The result of the high rates on farm produce is that the land is being let out to an alarming degree in many areas, and that, in time, will create more unemployment. If things go on as they are going on at present, Ireland will have lost her large export trade, and in addition will become, as England is at present, a country relying largely upon imported articles.

There is another aspect of profiteering to which I would like to draw attention, and that is the failure of the Ministry of Home Affairs to deal with the question of weights and measures. Owing to the peculiar conditions under which we have been living in this country for the past four or five years there appears to have been no check on weights and measures. I had a complaint made to me two or three

months ago by people in a certain town in my area that scales were being used for weighing live pigs which were far from being accurate. When the weight of certain pigs was afterwards tested on another scales it was found that the pigs were considerably heavier than the weight which was given to the owner when the pigs were weighed on the original scales. If there is any person in that area capable of dealing with that matter I would be very glad to give him information to enable him to institute a prosecution. It is a very important matter, and some explanation is due to the Dáil for the failure of whatever Ministry is responsible for dealing with it. Some months since I put down a question drawing attention to that particular aspect of profiteering, and, so far as I can see, nothing has since been done.

I want to refer very briefly to the failure of the Government to get any agreement on the question of future railway policy. The Minister for Industry and Commerce, on the 3rd January last, made a very long and, apparently, well-considered statement of Government policy on this matter in the Dáil. He indicated briefly that the Government had turned down the Railway Commission's report, and that they proposed to give to the Irish railway companies three months to make up their minds upon a scheme of grouping which would meet with the approval of the Government. He further stated that if at the end of a further three months, namely, the 1st July, a scheme of grouping which would meet with the approval of the Government was not brought forward by the railway companies that the Government would proceed to bring in a Bill to deal with the matter. On the 17th July last the question was discussed rather briefly in the Dáil on the Estimates, and we were informed by the Assistant Minister at the time that President Cosgrave was attending a conference in London with Sir James Craig on the question of the railways. We have had no indication whatsoever since the 17th July of what transpired at that Conference, or as to whether any progress had been made on the lines of the Government policy at the time. Sir James Craig, speaking at Belleek

on the 13th October, said: " They had schemes in view to ease the situation with regard to the railways. The present railway system was not a good one. In the old days the railways worked their traffic from North to South, but in future there would be amalgamation and they would be worked from West to East and East to West." I want to ask the Minister whether that statement of Sir James Craig was made as a result of the conference which took place in London between Sir James Craig and President Cosgrave. We are now five months beyond the period that was allowed to the railway companies to bring in their agreed scheme of grouping, and I think it is in the interest of the Government, of the business community and of everybody who will be affected by whatever change will take place, that the Government should make an immediate statement as to the present position, and as to whether or not there is any likelihood of an agreement being arrived at between the companies concerned; also as to whether or not the Government have definitely made up their minds to go ahead on the lines of the policy indicated by the Minister on the 3rd January. In case such a decision has been come to I would like the Minister to give us the approximate date for the introduction of the Government's promised legislative proposals, and if he would also indicate whether the Government intend to deal only with the railway companies wholly within the Free State area or with all the railway lines that are within the Free State area.

Until some such statement is made on the lines I have indicated considerable unrest will prevail in railway, agricultural and commercial circles. Although the railway companies, to all outside appearances, have made no attempt, or as far as I know, have not come to the agreement that the Ministry wishes, still they are preparing the ground for the time when some scheme of unification, grouping, or nationalisation will take place. They are effecting economies in many directions and two railway companies recently gave notice of dismissal to members of their staff. That is a very serious position because I anticipate that in whatever scheme of

grouping, unification, or nationalisation that is eventually passed through the Dáil, whatever railway staffs are found redundant will have to receive reasonable protection and compensation if dismissed. That is what happened in the grouping schemes passed in England where servants were displaced as a result of the combines legalised there. I think it is very bad policy on the part of any railway company, and especially on the part of a railway company that apparently does not think fit to fall in with the wishes of the Ministry, to prejudice the position of their officials in anticipation of anything that may take place in the near future. I hope the Ministry will drive it home to the companies concerned that such a policy will not be tolerated.

I want also to draw attention to the treatment that the Great Southern and Western Railway Company are meting out to many members of their staff who joined the Railway Maintenance and Protection Corps when it was established. I have received complaints from Cork and from other areas where men were demobilised from the Railway Maintenance and Protection Corps that when they went back to report to the railway company they were kept a considerable time walking about idle before being taken back. They went to the local station and reported to the stationmaster, agent, or superintendent that they were available for duty. The stationmaster, the agent, or superintendent wrote to Dublin, and headquarters in Dublin wrote to someone else. In that way men who have been demobilised have been kept out of employment for 3 or 4 weeks. I suggest that that is not in accordance with the spirit of the undertaking that was given by the company when the men joined that particular Corps. I trust the Minister will take the matter up and see that no undue delay of the kind takes place in reinstating men who offered their services when the outbreak occurred in June of last year.

I want also to ask the Minister if any assistance is given by the Transport Department associated with his Ministry towards the development of tourist traffic. It is well known that in pre-war days this country benefitted to the

[**Mr. Davin.**]

extent of four or five million pounds per annum from the large number of tourists who visited it. I suggest that no more useful work could be done by the Transport Department than encouraging, as far as possible, the development of tourist traffic. It is pretty well known by those who come into contact with travellers that the hotels in this country are very badly organised for tourist traffic. Tourists who come to Ireland do not get, in many ways, that attention and consideration that they receive in other countries. The Transport Department could do a lot of useful work by trying to organise hotel keepers and by assisting to develop a traffic that brought considerable revenue to the country previously.

On the question of the financial statement made by the Minister, Deputy Milroy indicated in a speech that he made, that there were other means of taxation. I am sorry he did not indicate what was in his mind when he made that statement, or say if he was in favour of the taxation of bachelors. From what one can see by looking around the Dáil, if the Minister were to introduce legislation for the taxation of bachelors there would be a considerable revenue from the Government benches alone.

**Mr. P. HOGAN:** Provided the bachelors had the money.

**Mr. DAVIN:** I also want to draw the attention of the Minister for Finance to two questions that I think deserve immediate attention. On the 10th October of last year dealing with the question of compensation to members of the R.I.C. who resigned, the Minister for Home Affairs said: "It is the intention of the Government to grant compensation to certain R.I.C. men who resigned or were dismissed in recent years because of their national sympathies. It is intended that such men will receive as generous treatment as if they had remained in the Force until the date of its disbandment. Legislation will be required to cover such compensation, and it is proposed to introduce appropriate measures as soon after the enactment of the Constitution

as is practicable." That was 10th October, 1922, and I think it is very bad policy on the part of the Government to have delayed giving the compensation that was promised. Recently two cases came under my notice. One man came to me in this building a week ago from the area that the Minister represents, and told me he had not enough money to pay for his lodgings that night. I heard of another case where a man was dying in the poor-house, as it was called, in Cork. Honest men, and some of them were honest, who made sacrifices by resigning from the R.I.C. in response to the appeal that was made in July, 1918, do not deserve to be treated in that disgraceful manner. I suggest that the Sinn Féin organisation that made such promises, as it was entitled to do on behalf of the nation, is in honour bound to carry them out. I hope the Minister will be able to tell us that it is his intention to lay regulations on the Table that will enable him to pay the men in accordance with the promises that were made to them.

I also wish to refer to the question of compensation in connection with the Shaw Commission. In dealing with that matter some time ago the Minister stated: "The Commission which deals entirely with pre-Truce damage has made considerable progress in the issue of its awards, and the machinery set up by the Ministry of Finance has for some time been working at a rate which has overtaken arrears, and keeps pace with the making of awards by the Commission." I want to draw the particular attention of the Minister to the fact that that is not exactly the case. Two or three people in my area whose homes were burned in pre-Truce days for assisting a then united nation, are now being denied compensation, because they are supposed to be sympathetic with the Irregulars.

They are alleged to have sympathies in that direction. I cannot say whether that is correct or not, and I cannot say what is the information at the disposal of the Minister on that aspect of the case. In making inquiries into the matter I found that there are 50 such cases being held up by the Minister for Finance, or someone acting on his behalf in his Department. I consider that



is a very bad policy on the part of the Minister to deny these people the compensation to which they are rightly entitled for damage done by the Black and Tans. I suggest that it is not one of the ways by which we can heal up old sores that are open in this country as a result of the dispute over the Treaty. I suggest it would be a good policy on the part of the Minister to pay such claims without any further delay.

There is another question dealt with in the Governor-General's Address, the housing question. That question has been very fully gone into by people who are more competent to deal with it than I am. I, therefore, only wish to make one point in connection with it. I happened to be around the Irish coal areas on a couple of occasions recently. One of the things that appear to affect the workers, particularly in the mining districts of Arigna and Wolfhill, is the lack of proper housing accommodation.

I hope the responsible Minister, when dealing with this question of housing, will make provision for the building of houses in mining areas. It would not take much to deal with that situation, but it would be one of the ways by which the coal resources of this country would be better developed. I think it is unfair to see miners having to walk six miles to their work, and working under the horrible conditions which we know exists in some of the Irish mining areas, and to have to walk home again six miles when the work of the day is over. I make that suggestion to the Ministers and hope that in dealing with the matter they will keep in mind the question of housing in mining areas.

**AN CEANN COMHAIRLE** resumed the chair at this stage.

**Mr. PETER DOYLE:** Ni gádh dhom puinn a rádh anois tar éis an meid atá ráidithe. In rising to support the motion of thanks to the Governor-General for his Address there are a few matters to which he referred on which I desire to offer some observations. On the many matters dealt with in that Address, I presume many Deputies may hold different opinions, as to which is the most important problem. To my mind, the unemployment problem is

one of the most vital, and I am sure that any schemes introduced by the Government will receive every possible attention and support from all sections in the Dáil. Rather, I should say that anything that tends to give employment and reduce unemployment will receive attention and welcome. While dealing with the unemployment problem I do not suggest that if unemployment were even now normal that we would be at the end of our troubles and disputes as between capital and labour. I trust that in our deliberations in the future that some definite effort will be made to set up or formally establish an Industrial Arbitration Court with a view to dealing with industrial disputes. I am glad to know that the Governor-General has suggested that a larger provision is to be made for dealing with the housing question. Notwithstanding the number of houses that have been built throughout the country during the past couple of years there is still a considerable dearth of housing. In Dublin alone the Corporation have built 200 houses, but that has not diminished the great demand for housing accommodation, and there are thousands of people at the moment living under the most unchristian conditions possible.

The Governor-General makes a very important statement on the re-organisation of our railway systems. They have for a considerable time exercised the minds of the Ministers. Now I think that is about as important a problem as can be tackled, and I have no doubt that the Government have full scope for their activities in dealing with that matter. It may be rather a difficult subject to refer to here, but I feel that a little criticism will be very helpful in outlining any future scheme of management which may be in the minds of the Ministry. The manner in which the Irish railways have been managed in the past, particularly during the old regime, has, in my mind, been most unsatisfactory. The Irish railway management has been more detrimental to Irish industry and enterprise than any other cause of which I am aware. I am sure any change in the system of management that operated in the past will, I believe, be for the general interest and advancement of the

[Mr. Peter Doyle.]

country. The existing rates on merchandise require immediate revision. The fixing of Irish railway rates and charges in London has been a very serious impediment to progress in Ireland in the past, and has considerably hindered the development of Irish transport, including the utilisation of our canals.

I do not know at the moment if that is still in operation as regards the canals, but I know that until recently it has been so. I think it has had a detrimental effect on the canal transport service, which touches upon some areas where there are no railways. In any proposed extension of the Irish railway system the industrial centres must be catered for in such a manner as adequately to meet their needs and requirements. That remark is particularly directed to where industrial effort has failed as a consequence of neglect in the past. I do not think that it is necessary to remind Deputies that the original intention in the marking out of the railway system in Ireland was not in the interests of the nation, but simply in the interests of military services, and to meet requirements from a military point of view. Industries have in no case received the attention that they should have received. I desire to lay stress upon one important point in the matter of railway management and that is the importation of rolling stock. On this matter recently an explanation was submitted by one of our chief railway companies—the Great Southern and Western—by way of reply in one of the daily newspapers to a statement made to the Fiscal Inquiry Committee set up by the Government. The railway company claim that their works are the largest in Ireland, and they claim that the engines and other rolling stock exclusively manufactured at their works could not be surpassed in workmanship or anything else. I should have said they do not claim that, but I do claim it, and I think anyone who has any knowledge of the work turned out at Inchicore can form no other opinion than that it is nothing short of a scandal that rolling stock is imported into the country when it can be manufactured much better and more economically at Inchicore. That is

what has been going on in the past. It is up to the Government to make some effort to stop it.

As a matter of comparison from an economic side, the Company state it has been their policy to manufacture everything in the nature of rolling stock that they require. It would be interesting to know what quantity of imported rolling stock and equipment has been ordered from Scotland and England within the last 10 or 12 years. A good deal of the rolling stock that is being used was ordered probably a year or two before it reached here. On the Dublin quays at the present moment one can see a large consignment of axle wheels and many other finished requirements for rolling stock. It is very unfair for the railway companies to say that such work cannot be done as cheaply and as well here. The Company admits that six large engines were imported about two years ago. I should like to point out that those engines have only been placed on traffic since the recent destruction of the railways and they have not proved very satisfactory as regards oil or coal consumption. They have already been put down for general overhauling and repairing. That is what I put forward as an argument in favour of the work that has occasionally been turned out at Inchicore. In the case of imported rolling stock there has been a greater cost for overhauling and repairing it, and that has added considerably to the expenses which come under the heading exclusively of overhead

8 o'clock. charges. Consequently the company put the proposition that owing to the cost of wages, which is generally what they fall back upon, this work could not be done in Ireland. A short time ago some 20 boilers were imported from England and they had some very serious defects. No provision was made for tube plates or steam pipes and the result was that they have to be overhauled and remedied at Inchicore Works at considerable cost. The same applies to other large stocks of engine parts that have like defects. Notwithstanding that the Company have resident Inspectors in stations in England, at substantial salaries, we have not been able to tell to what charge the outlay,

in this respect, has been put to, whether put against the cost of the home product or not; it certainly is not shown against the imported article. Now the question is why should the Irish Railway Companies desire to purchase finished rolling stock in England at a greater cost than purchasing the raw material outside of England and manufacturing their own rolling stock at home would mean, because it is a fact that the cost of the raw material for home manufacture can be purchased at a lower figure outside England than it can be purchased in England. By that I would like to make it clear that there is evidently a ring in existence in England inside which the Irish Companies are compelled to buy the finished article notwithstanding the fact that if they manufactured their rolling-stock in Ireland they could import the raw material from outside England at probably half the cost they are paying through the ring in England and which shows, as I would say, that they are paying through the nose.

The argument in the article that I refer to is a matter that they dealt with some time ago, and it is that the principal cause is that the existing rate of wages paid to skilled and semi-skilled tradesmen here are so much in excess of those paid in Great Britain that it is a question whether we can continue to manufacture new rolling stock at Inchicore as cheaply as it can be imported. That article at the moment referred to the question of importing a number of coaches from England, and I am glad to say that since the publication of that article that whatever communication had taken place between the men and the Company the result was that the men are making the four or five coaches though it had been intended to import them from England. Now the Company have not explained why they made this change. I do not know whether the Minister for Industry and Commerce had anything to do with it or not, but the fact remains that the Company's case that they were paying £300 each more for the home article than for those imported has apparently fallen to the ground, and I hope that is the last we will hear of the importation of rolling stock by the Great Southern Railway. At the moment I do not wish

to refer any further to that particular matter except to say that some of the material which I believe is at the North Wall is for the Cork and Passage Railway. I do not know what amount of plant they have down there for finishing raw material work for minor requirements, but I think some effort ought to be made by the Government to secure that all this money, which runs into huge sums annually, ought to be kept in Ireland and used for providing much needed employment. My main reason in bringing these matters before the Dáil is with that object in view. I do not stand here to take up a case, or to exploit a case on behalf of the men on the wages question, but I do believe that if there is any difference of opinion between the Companies and their men on the question of wages, by which it can be made possible to keep all this work at home, the men will do their part.

There is just another matter to which I may refer, and that is this: the Governor-General in his statement referred with gratitude to the services of the various arms of our National Defence. I feel that the best gratitude we could extend to those men who have borne the brunt of the unfortunate struggle in the trouble in the past is that a good honest effort ought to be made to provide them with employment on their disbandment from the Army.

**Mr. A. BYRNE:** And their insurance money.

**Mr. DOYLE:** I conclude these few observations by supporting the motion.

**Mr. D'ALTON:** The Governor-General's Address provides us with a very large field for debate. It has been used to a very great extent, and to an extent that I do not intend to follow myself. But I wish to refer to one portion of that Address in which the Governor-General deals with the question of unemployment and with the results that follow from it. The words of the Governor-General are:—

“The problem of unemployment which confronts us has had the special consideration of your Ministers. They are confident that, with stable conditions, enterprise will find many opportunities in this

[Mr. D'Alton.]

country. Developments are at present hampered by disagreements between employers and employees to the loss not only of those directly concerned but of the general community."

I think that at the present moment the question of unemployment and what it means for Ireland, and the question of the various disputes that have taken place between employers and employees is a matter that deserves the very greatest consideration from this Dáil. A strike or a lock-out is, to my mind, a war without guns. In its results, it is quite as injurious in its own way as war, and like war, it rarely justifies itself. If we hope for a development of industries in this country we must see that both employers and employees, capital and labour, meet together on the one solid ground, and that is to arrange between themselves that their joint efforts have got to be for the advancement of these industries, and to have these industries so carried on in the country that they will command the confidence of all. There is really little use in counting that those who have money in Ireland they will place it in Irish industries to develop factories in the country if they are to be met with, in twelve months' time, a strike of their workers employed in these factories. Neither can we expect that the workmen of this country are going to remain in Ireland if they are certain, in the first instance, of better wages in another country, and, above all, if they are certain that their employment is to be more constant elsewhere. Labour disputes are injurious to both parties, injurious to capital and to labour. We cannot expect either that those in foreign countries, in America or elsewhere, who may wish to start industries in this country, will come here unless they see some certainty or some security that not alone will they be able to earn a fair interest on the capital invested but that they have security in the industry when it is started.

The Minister for Industry and Commerce has been engaged several months in trying to arrange the various disputes that have taken place in this

country. We have been confronted with one of them lately in the shipping dispute, and others of them are still unsettled. I ask, why is there not some result to be gained from the labours of the Minister and those who have been associated with him in bringing these disputes for the time being to a happy ending. If these disputes are not to recur within a period of six months or three months, or maybe a month, it is rather a pity that all these efforts have been made only to secure a temporary continuance of the trade of the country. We hope in Ireland that all the hidden wealth of this country will be developed, that her mines and her minerals will be got working, that existing industries will thrive and that new industries can be brought here. Surely if there is a difference between capital and labour to be everlastingly cropping up and coming before us, there will be no confidence; capital will not be invested, and labour will have no confidence in capital unless machinery is found by which these various disputes can be avoided, and until such time that in this country the lock-out on the one hand, or the strike on the other, will only be availed of when every other means has failed to bring the two sections together.

In Australia, in 1890, a big strike occurred when the ranchers and the graziers got into a war that practically destroyed most of New South Wales and New Zealand. They found that it was necessary to construct some kind of machinery by which the trade of the country was not going to be ruined and that financial loss was not going to be brought on the ranchers, and that the employers were not going to be driven to starvation or forced to go to other countries to earn a living. In 1894 they established their Conciliation and Arbitration Courts. There were various Acts of Parliament passed in Australia, New Zealand and New South Wales between 1895 and 1912 by which these Conciliation and Arbitration Courts were brought into conformity with what was necessary for the good of the country. These Courts secured what they desired, and what they were meant to secure, peace between capital and labour. Possibly they have not

attained all that was expected of them, but this they did for Australia, and to a certain extent they have done the same in America; they prevented strikes that would otherwise have taken place, and they succeeded in making capital have confidence in the country, and also succeeded in bringing larger sums of money to be invested in Australia, New South Wales and New Zealand, both in land and in factories.

Now, I believe from what I have heard that there are many Conciliation Boards at present working in Ireland. Some are working on railways and a few are connected with creameries. If it were the spirit of the Dáil, as I believe it is of the people of the country, that strikes and lock-outs should be avoided and that women and little children should not be made to suffer hunger and poverty, it would be for us to adopt every available method, to use any machinery within our power to have those evils avoided. The hardships of a lock-out, when men are turned out of their employment, because employers have to compete with the manufacturers in other countries, could be avoided if these Conciliation Boards were set up. These grievances could be met by the formation of such boards as have been formed in other countries with representatives from both employers and employed in equal proportions. If such boards fail to compose the differences in their own particular district they should go before an arbitration court at which a member of the legal profession should be chairman, and whilst that court was sitting a strike or lock-out should be declared illegal with the consent of every member of the Dáil. That suggestion of mine does not interfere either with the right of men when forced to strike for a higher wage, or with the right of the employer to lock his men out, and to fight the matter out as they have already done. My idea is to see that these disputes that are ruining the industry of the country should be avoided, and that people who have money, say in foreign securities because they are afraid to invest it at home, could put it into Irish industries when they knew that such industries would not be upset within twelve months. I hope my views will

fall on willing ears, and that Deputies will consider the matter in the same spirit in which I have brought it forward. If at a later stage representatives from each of the parties in this Dáil form into a small Committee and discuss the possibility of setting up these courts and recommend them to the country, I believe that every Deputy will have the support of all his constituents.

**Mr. BAXTER:** I beg to move the adjournment of the debate.

Motion put and agreed to.

### **JOINT COMMITTEE ON PRIVATE BILL PROCEDURE.**

**PADRAIC O MAILLE:** I beg to move that the report of the Committee on Private Bill Procedure be referred back to the Committee for further consideration.

Motion put and agreed to.

**Mr. BLYTHE:** I beg to move the adjournment of the Dáil until 3 o'clock to-morrow.

### **QUESTION ON ADJOURNMENT.**

#### **BURIAL OF HUNGER STRIKER.**

**Mr. T. MURPHY:** I gave notice that I would raise the question of the alleged refusal of the Government to hand over the body of the hunger striker who died yesterday morning to his relatives for burial. In any remarks I am going to make here I do not wish to aggravate the situation. I think that the decision of the Government, if the reports in the newspapers are true, is an extraordinary one, and I think it would be found that, so far as the opinion of the people of the country is concerned, the decision is not a wise one. The decision arranging that this man's body should be retained by the prison authorities to be buried within the precincts of the prison amounts almost to this, that this man, who has been an untried prisoner, and who has been in prison for twelve months, is to be treated as if he was an ordinary murderer. I do not think that that is wise, and I believe that every Deputy here and everybody in the country will

[Mr. T. Murphy.]

agree that the decision of the Government to permit the meetings of the Republican Party to be held, to permit the Republican publications to appear, and not to interfere with the Republican propaganda, is a wise one. I believe if the Government are prepared to reconsider this question, and if we have a statement to-night to the effect that they are willing to hand over the remains, it will have a very reassuring effect throughout the country. I do not intend to elaborate this matter any further, but I think that we who have the reputation of being very generous to our dead and of giving them decent funerals will be establishing a bad precedent if we deny our opponents the right to a Christian burial. In the County Cork the mother of the hunger striker is living. She is an old woman on the verge of the grave, and it would be very sad if this man's body were not allowed to go back to be buried amongst his own people.

**Mr. JOHNSON:** I would like to support the views expressed by Deputy Murphy. I think it is an unwise policy that, it is stated, has been decided upon. I hope it has not been decided upon by the Government. I think it would reflect badly upon their good-sense and general policy. On the lowest grounds, I think there would be very much more advantage taken to the detriment of the Government's good name by the refusal to let the body of an untried prisoner be taken home than could be taken even by the most elaborate demonstration, the fear of which is, presumably, the reason why the Government is said to have come to the decision not to allow the body of this prisoner to be sent home.

I think the case made by Deputy Murphy that he is an untried prisoner and that we have no right to consider him in the light of a criminal is sufficient to justify the demand that he makes that the body of his constituent should be returned to his home for burial. I do not think that there is any need for me to elaborate further. I simply add my earnest plea to his that the Government would reconsider the decision they have come to and

hand over the body of Denis Barry to his relatives.

**General MULCAHY:** Much as the Government regret having to take such a decision as this, the fact is that having all the circumstances in mind and having carefully considered the matter the Government have decided that in the case of any of the prisoners dying on hunger strike they will not hand over the body to the friends at this particular stage for burial. It is not a question of refusing a man Christian burial or burying him as an ordinary criminal. The remains will get proper and reverential burial but inside premises that are official premises. If later, when the circumstances are such that advantage cannot be taken of a funeral demonstration to prejudice the safety of the State or to jeopardise further the lives of men who are still hunger-striking in prison, the friends of Barry or of any other person who may die in this wretched hunger-strike desire it, facilities will be granted to have the body of any such person transferred from the burial ground at present provided by the Government to any burial ground his friends or family may wish. The Government have to emphasise again the fact, that just now as at any other time during the last twelve months or more when the safety of the State is prejudiced and endangered, it is their duty to safeguard the State. Every type of pressure that can be brought on men to throw their lives away in a useless protest, in a protest about nothing that can be achieved, is being brought to bear on men many of whom are generous men, generous as regards honour and general intentions but nevertheless a danger to the State, and the most unscrupulous pressure is being brought on them to sacrifice their lives in this particular way, and day by day, and week by week this, that, and the other inducement is held out by people outside who are unscrupulous in the matter, that if the men inside hold out another day or week this, that and the other thing will be achieved. The men inside were simply filled with dismay for having to adopt the situation that they had been forced into and they feel that instead of being ordered to continue the

strike, the hunger-strike should be called off by those outside. Instead of that, this type of pressure is being brought to bear on them. In the circumstances the Government have decided not to put into the hands of those people who are working up this pressure the additional opportunities of funeral demonstrations that would have the result of sacrificing additional lives inside, and perhaps additional lives outside.

The Dáil adjourned at 8.30 until Thursday, 22nd November, at 3 p.m.

## DÁIL ÉIREANN.

DÉARDAOIN, 22adh Mí NA SAMHNA, 1923.

(Thursday, 22nd November, 1923.)

Do chuaidh an Ceann Comhairle i gceannas ar a trí a clog.

### CEISTEANNA—QUESTIONS. ORAL ANSWERS.

#### ESTABLISHMENT OF WAR COMPENSATION COURTS.

**AILFRID O BROIN** asked the Minister for Finance whether he is now in a position to make an announcement regarding the setting up in Dublin of a branch of the War Compensation Court to deal with Claims for Compensation arising from actions of the British Army and R.I.C. during the period 1920-21, which claims do not come under the terms of reference of the Shaw Commission, and if he is in a position to make a statement as to the progress of the negotiations with the British Government on this subject; further, to ask whether, in view of the anxiety of many Motor Traders and others who have lost vast sums from the above-mentioned causes during that period, he will consider the desirability of a public announcement as to the probability or otherwise of compensation being obtained.

**MINISTER for FINANCE (Mr. E. Blythe):** Negotiations with the British Government on this subject have reached an advanced stage. When the final arrangements have been made for the establishment of a Dublin Branch of the War Compensation Court a public announcement will be made without delay.

#### SPIRITS IN BONDED WAREHOUSES.

**Major BRYAN COOPER** asked the Minister for Finance whether he will issue a monthly return showing the

stocks of Irish, British, and Foreign spirits, and of wines (indicating country of origin), remaining in the bonded warehouses of the Free State on the last day of each month.

**Mr. BLYTHE:** Arrangements have already been made for the circulation of a monthly return showing the stocks of Saorstát and Foreign spirits, respectively, remaining in bond in Saorstát Eireann on the last day of each month, and I hope that the first of these returns will be in the Deputy's hands at an early date.

The existing records do not distinguish between British spirits and other foreign spirits, and I am afraid that it will not be possible to supply the figures in regard to British spirits requested by the Deputy.

The particulars desired by the Deputy as regards wines will be included in future issues of the monthly return.

**Major COOPER:** May I ask the Minister whether this return will also be available for the public? I gather that the Wine and Spirit Trade will attach some importance to obtaining this return.

**Mr. BLYTHE:** Oh, certainly.

#### LAND COMMISSION ADVANCES.

**PADRAIG K. O HOGAIN** asked the Minister for Agriculture when the prescribed form, mentioned in Section 38 of the Land Act, 1923, will be available for making application to the Land Commission for an advance, for the purpose of redeeming the rent in cases of fee farms or leases; whether, where proceedings are instituted for recovery of the entire compounded arrears of rent, and where 75 per cent. of total arrears are offered by the tenant, proceedings will be stayed until such time as the prescribed form can be obtained.

**MINISTER for AGRICULTURE (Mr. P. Hogan):** The Rules under Section 38 of the Land Act, 1923, governing applications for advances for the purposes of redeeming certain fee farm and other rents, will shortly be ready and will then be published without delay.

The second part of the Question



assumes that there is doubt as to the amount of the arrears which will be payable by tenants who intend availing themselves of the provisions of this Section. That is not so. Cases coming under Section 38 are unaffected by the Clauses of the Act relating to compounded arrears of rent or payment in lieu of rent, and the full amount of the arrears due is payable. There is, accordingly, nothing to be gained by the withholding of fee farm rents or by the staying of proceedings, pending the issue of the Rules in question. A large proportion of the landlords of the country hold their lands under long leases or fee farm grants. Hence the impossibility of treating either lessees or fee farm grantees as tenants.

### **LEGAL PRACTITIONERS' ACCOMMODATION IN GREEN STREET COURTHOUSE.**

**Major BRYAN COOPER** asked the Minister for Home Affairs whether he is aware of the inconvenience caused to legal practitioners attending Green Street Courthouse by the encroachment of witnesses, police, and spectators on the very limited space available, and whether he will consider the issuing of instructions that the space allotted to the legal profession be reserved for them exclusively.

**MINISTER for HOME AFFAIRS (Mr. K. O'Higgins):** No complaints with regard to the inconvenience referred to have been made, and it is thought that the accommodation is adequate and the allocation of space satisfactory. If, however, the Deputy has reason to believe that the inconvenience exists, and will let me have particulars, I will see that the matter is further investigated.

**Major COOPER:** Will the Minister go and look for himself? I did so before I put down this question.

### **PROTECTION OF GAME AND WILD FOWL.**

**Mr. P. W. SHAW** asked the Minister for Home Affairs if he will introduce legislation for the protection of game and wild fowl, as owing to the fact that pheasant and partridge have been shot

and poached during the close season they are rapidly becoming extinct in this country.

**Mr. O'HIGGINS:** I have no information that the existing laws for the protection of game and wild fowl are insufficient. I will, however, see that these laws are strictly enforced, and if it is found that they are not adequate for the purpose, I will consider the question of further legislation.

**Mr. SHAW:** Arising out of that answer, I beg to state that they are absolutely out of date altogether.

**AN CEANN COMHAIRLE:** The Deputy cannot make a statement.

**Mr. WOLFE:** I desire to ask the Minister if he is aware a large number of people in the country, with a 10/- licence, are constantly engaged shooting game, and a still larger number are shooting game without any licence. In view of the fact that the three guinea game licence has become a dead letter, will he consider the advisability of revising the scale of charges from top to toe for the purpose of augmenting the Exchequer?

**Mr. O'HIGGINS:** I am not aware of the state of affairs alleged to exist by the Deputy. I am prepared to draw the special attention of the police to the matter of licences, both ordinary licences and game licences.

### **KILLENAULE DISTRICT TELEGRAPHS.**

**Mr. L. J. D'ALTON** asked the Postmaster-General whether he will take steps to expedite the necessary repairs to the telegraphic wires in the Killenaule district.

**POSTMASTER-GENERAL (Mr. J. J. Walsh):** The telegraphic circuits between Callan and other offices, including Killenaule, were very extensively damaged during the late troubles, but temporary repairs were effected and communication restored in June last. Temporary interruptions of service have since occurred due to the state of the lines, and the work of effecting permanent repairs will be undertaken as soon as possible. Until, however, the main lines serving impor-

[Mr J. J. Walsh.]

tant centres have been attended to it is not practicable to restore to a normal condition the single wire lines to outlying places.

I am informed that the circuit to Killenaule is at present working satisfactorily.

### PRIVATE NOTICE QUESTION.

#### JEWISH CITIZENS MURDERED IN DUBLIN.

**DOMHNAL MacCARTHAIGH** asked the Minister for Home Affairs whether he has any information to give relative the recent murders of citizens of the Saorstát of the Jewish faith in the streets of Dublin; whether any special precautions have been taken to protect Jewish citizens from further attacks.

**Mr. O'HIGGINS:** Sectarian crime has not within living memory manifested itself in Dublin, and I do not believe that we are now faced with anything so horrible. I incline rather to the view that a perverted mentality wreaking a private vengeance has deliberately sought to give the crime that complexion. Investigations are proceeding energetically, and the view of the Ministry is that successful detection of crime is the most effective protection against future crime that can be afforded to all citizens.

If any individual citizen, of whatever class, creed, or party, has reason to believe that he is specially menaced, the best efforts will be made to afford him adequate protection. I feel sure that I am voicing the view of the country and of the Dáil when I say that the persecution of any religious community is utterly abhorrent and detestable, and that it is a common hope that these two crimes, so tragic and terrible in themselves, will not be found to have their roots in any general conspiracy against the community to which the deceased gentlemen belonged. That community has never been persecuted here, and all decent citizens would view with disgust, and would join in denouncing, any departure from that record.

### A QUESTION OF PRIVILEGE.

**Mr. JOHNSON:** I desire to raise a matter of privilege, the privilege of the

Dáil in their relations to the Executive Council. I am referring to the 21st Annual Report of the Department of Agriculture and Technical Instruction recently issued, or, shall I say, recently published? Though the report is dated 1922, on the front page and on the cover, it is signed 22nd February, 1923. The point that I wish to raise has reference to the method of presentation of this report. Hitherto the reports, signed by the Vice-President of the Department, were submitted, through the Chief Secretary, to the Lord Lieutenant, and thereafter published. But there has been a change, as perhaps the Deputies will realise, in the administration both of the Department and the Government of the country. The recent report is signed, not by the Vice-President of the Department, but by the Minister for Agriculture. It is addressed to His Excellency, the Governor-General, and it is submitted to the President and Members of the Executive Council, in a letter signed by P. Hogan, Minister, in the following words:—

"I submit herewith the Annual Report of the Department of Agriculture and Technical Instruction for the year 1921. The Report should be presented to the Oireachtas in accordance with 62 and 63 Victoria, chap. 60, section 26."

That letter to the President and the members of the Executive Council signed by the Minister for Agriculture is acknowledged by the Secretary to the Executive Council as follows:—

"Minister for Agriculture,—

"A Chara.—I am directed by the Executive Council to acknowledge receipt of your letter of the 24th instant, transmitting copy of the Annual Report of the Department of Agriculture and Technical Instruction for the year 1921."

I refer to the Constitution, and I find in Article 54 that "The Executive Council shall be collectively responsible for all matters concerning the Departments of State administered by the Members of the Executive Council," and Article 56 says: "Every Minister who is not a member of the Executive Council shall be the responsible and

of the Department or Departments under his charge, and shall be individually responsible to Dáil Eireann alone for the administration of the Department or Departments of which he is the head." Now, this is not an enormous crime, but I want to draw attention to the fact that it is a mistake, and, I think, it is a mistake that should not be allowed to be repeated. The Minister is directly appointed to take charge of the Ministry of Agriculture and be responsible to Dáil Eireann alone. I submit that he ought, therefore, to have submitted his report to Dáil Eireann alone, and not even to the Governor-General. The Governor-General certainly would require a copy. Dáil Eireann is the body to whom this Report should be submitted. My principal reason for bringing this forward is that I want to guard against what I think is a tendency in the wrong direction, that is, to make Ministers who are not members of the Executive Council subordinate to the Executive Council. When the Minister for Agriculture, who is responsible to Dáil Eireann alone, according to the Constitution, submits his Report to the President and Members of the Executive Council, asking them inferentially to present this Report to the Oireachtas, it is the wrong way about. The Dáil, I submit, should be the recipient of the Reports, and the Members of the Executive Council and the President should, as a matter of course, have a copy. I have raised it, because I want, as I say, to guard against what I think is an unfortunate tendency and a misunderstanding, and a forgetting of the relations of the Dáil and the Ministry and those Ministers who are not Members of the Executive Council, and their relations also to the Executive Council. I think it is important rather as a sign than anything else, and I would submit that it is not in accordance with the intention of the Constitution, and not in accordance with the duty of the Minister.

#### **MINISTER for AGRICULTURE**

**(Mr. Hogan):** I agree with Deputy Johnson that the procedure adopted in this case is a mistake. I do not think we need go into the question now as to what the proper procedure for pre-

senting reports to the Dáil should be, but I agree that the procedure adopted in this case, and for which I am responsible, is a mistake. I also agree with him that the relation between the External Ministers and the Executive Council should be kept, at least, clear and defined. As he himself said, the procedure discussed here is not in itself going to subordinate in any way the External Ministers to the Executive Council, but the precedent is wrong; that is so, and I agree it is necessary to be careful that these precedents should not be made. I think we can discuss, afterwards, what the proper procedure should be.

### **BUSINESS OF THE DAIL.**

**AN CEANN COMHAIRLE:** Before we enter on the business, I want to remind the Dáil that the debate upon the motion of thanks to the Governor-General for his Address was adjourned yesterday and should be taken up as first business to-day, and that, I understand, is the intention. Subsequently, on the Order Paper there are five Bills down for Second Reading, that is, Numbers 2, 5, 6, 7, and 8. It has been suggested to me that it might be convenient to take all the Second Readings before entering upon the Committee Stage of the Civil Service Regulation (No. 2) Bill, or the Report Stage of the Courts of Justice Bill. But that arrangement, if it is agreed upon, would want to be made before we enter upon the business.

Agreed.

**Mr. DARRELL FIGGIS:** May I ask if we can be given any idea as to the nature of the business that will be before us to-morrow and whether we shall meet in the ordinary course of events as is usual at 12 o'clock noon.

**MINISTER for HOME AFFAIRS (Mr. O'Higgins):** On the question whether we meet in the ordinary way on Friday, the suggestion has been made that we should meet to-morrow at 3 o'clock to enable Deputies to attend the funeral of the late Mr. Derham, T.D. That is a matter that we are prepared to leave to the Dáil as a whole. As to the question of the business, I think it is unlikely that we

[Mr. O'Higgins.]

will get through the whole of our programme for to-day, but at the moment I cannot say what other business will be before the Dáil to-morrow.

**Mr. DARRELL FIGGINS:** The reason I ask was that the President yesterday intimated that the Minister for Finance would make a statement to-morrow, and I wondered would it be possible for the Minister for Finance, if here, to make his statement immediately after questions to-morrow and before we proceed with the other business?

**Mr. O'HIGGINS:** The statement will be made to-morrow, either by the Minister for Finance or some substitute for him, immediately after question time.

**AN CEANN COMHAIRLE:** Are we to assume that the hour of meeting, which was changed to 12 o'clock on Fridays, to suit the convenience of Deputies, will be 3 o'clock to-morrow, and that the adjournment will be taken at 8.30, as usual, and that the statement, either by the Minister for Finance or on behalf of the Minister for Finance, will be taken immediately after questions? With regard to the other business, it is not very likely that the Courts of Justice Bill (Report Stage) will be finished to-day. I think there are 48 Amendments, which will be hardly got through to-day. The other business is the Local Authorities Indemnity Bill and the First Reading of a Railway Bill, which should appear on the memoranda, but does not.

**Mr. GOREY:** We have no objection whatever to the meeting of the Dáil at 3 o'clock, but a good many Deputies arranged to get away at 4.45, and I think they will find it difficult to cancel these arrangements. We want to facilitate the Government in every way, and we will agree to meet at 3 o'clock, but to carry on till 8.30 would not fit in with our arrangements.

**Mr. O'HIGGINS:** The suggestion must not be regarded in any real sense as a Government suggestion. It comes from private members. If any alternative arrangement is made, whether by pairing or otherwise, it would suit quite well. The matter is one for pri-

vate members, and we are not pressing it in any way.

**Mr. GOREY:** We fall in entirely with the idea of meeting at 3 o'clock, but would it not be possible to adjourn at 4 o'clock?

**AN CEANN COMHAIRLE:** That is, after an hour.

**Mr. GOREY:** Yes. It may seem ridiculous, but it would fit in with our arrangements.

**Mr. O'HIGGINS:** I think we might leave this over until this evening, and in the meantime there can be a discussion between the various parties themselves.

**AN CEANN COMHAIRLE:** The suggestion is that Deputies might meet and discuss the matter between themselves with a view to finding facilities. There are some Deputies who will not find it possible to be here in time for the opening of the sitting, and possibly would prefer not to be here at all to-morrow.

### GOVERNOR-GENERAL'S ADDRESS (MOTION FOR RESOLUTION OF THANKS).

Debate resumed on Motion "That the Dáil returns thanks to the Governor-General for his Address, and approves of the legislative programme of the Government, as outlined therein." (Mr. James Burke.)

**Mr. BAXTER:** In the Address under discussion, which we are to assume represents to the Dáil the policy of the Ministry, we are told by the Governor-General that high prices and high profits can no longer be sustained. I think I will be speaking what is in the minds of Deputies on this side of the Dáil, and in the minds of our farmers in the country, when I say that for the farmers in Ireland to-day there are no such things as high prices or high profits. For many of our commodities there are hardly any prices at all.

**MINISTER for AGRICULTURE (Mr. Hogan):** On a point of explanation, I do not think the Governor-General said that there were high prices or

high profits in agriculture, or even suggested that. If he suggested anything, he suggested the contrary.

**Mr. BAXTER:** I am glad the Ministry puts a different construction on what appears to me to be meant by these words. We can only read what is in the Address. The Governor-General, in his Address, said: "High prices, high profits, and high wages can no longer be sustained by a country whose economic life has agriculture as its base and foundation."

**Mr. HOGAN:** I do not like the use of that word "meant." It is not a question of whether the Governor-General meant it, but the fact is that he never said it.

**Mr. BAXTER:** I can only read what is in the Governor-General's printed Address. When he speaks of high prices and high profits, I think I have the liberty to assume that we can read these words as applying to agriculture. It seems to me that the words apply all round. If the Governor-General meant that his words did not apply to agriculture, he has not said so, and, therefore, we can only assume that they do apply to agriculture. If he did not intend anything like that, I think he should have made the point clearer. As I was saying, there are no such things to-day as high prices or high profits for the Irish farmer, but, on the contrary, there are any amount of losses. I think a share of the responsibility for these losses must be left at the door of the Administration. For the last three or four months, the trade in the agricultural industry has been practically at a standstill. The channels of trade were closed against the farmers of Ireland. During the time that these channels of trade were closed, covering a period of two or three months, our ports were shut up, so that we could hardly send anything out of the country, unless we could manage to get it away by Belfast. During all that time the Irish farmer was expected to pay his rates and his rents, his Land Commission annuities and his income tax. There was no relief from these burdens, as far as the farmers were concerned. I believe there has been a failure on the part of

the Ministry as far as we are concerned in this matter.

I am sorry that Deputy Davin is not in the House at the moment, but I heard him suggest yesterday that some time ago negotiations might have taken place which would eventually work out in bringing a great flow of trade to the North and to the port of Belfast in particular. I am sorry the Deputy is not here, but I would like to tell him that I do not know of anything that conduced more to bring a flow of trade to the port of Belfast than the fact that, for several months, the ports in Southern Ireland were shut down, and that for several months the farmers in our Southern counties were not able to get anything practically out of the country.

**Mr. JOHNSON:** Whom do you make responsible for that?

**Mr. BAXTER:** In our county town we have had for several weeks and months past as many as seven engines waiting on a Sunday morning to take the produce of farmers in the West and in the Midlands to the port of Belfast. It was not a bad thing for our Southern and Western farmers that it was possible to get some of their produce through to the port of Belfast. Indeed, but for this fact agriculture would have suffered even much more than it has already suffered. Deputy Johnson asks me, whom do I make responsible for that? I presume the Deputy himself will tell the Dáil that he and his party were in no way responsible for the closing down of the ports. If the Deputy tells the Dáil that, it will be for us to look around and see who was responsible. It seems to me, however, that the failure of those engaged working on the docks and engaged in the trade of the country in the South to come to any arrangement, caused this grievous loss to the farmers of the country, and that it is a matter for sincere regret.

I just want to remind Deputy Davin that if produce could be brought to the port of Belfast and if a flow of trade was brought to that port, the Labour Party in Southern Ireland would have to examine their consciences and see what part they were playing, and had

[Mr. Baxter.] played, in bringing trade to that port. Deputy Johnson, I am sure, would tell me that they were not paid sufficient wages, and that the workers would not work for what was not a living wage.

**Mr. JOHNSON:** They were satisfied to go on.

**Mr. BAXTER:** I will be partly in agreement with the Labour Deputies when they tell us that because of the high cost of living they are not able to get as much for the wages they are paid as they might get. I think I must find fault with the administration, as no effort has been made to reduce the cost of living. I think that has been during the past twelve months, is at present, and must always be, in this country, the root cause of whatever economic troubles we may have to suffer from here. I think as long as the Administration passes over this and does not recognise this root cause of our trouble, we will have a recurrence of these troubles perpetually. There is no doubt that the cost of living to-day is exceedingly high. It is much higher than it ought to be. I may be asked, what is the remedy? I think all parties in the country can, working together, find a remedy. I would say that it is up to the Labour Party, above any other party, to seek a remedy. They certainly suffer more, or at least as much, and complain perhaps more, than any other party, because of what they are suffering from the high cost of living. It is true, when we sell an article of produce in one of our country towns at eighteen pence, that it costs in a poulterer's in Dublin 6/-. That is nothing less than a public scandal. I think where anything like that is going on it is up to the Administration to see what they can do to effect a change. I would suggest to the Labour Party very seriously that if they get together a few of the men in their organisation with business capacity, and if they spend some of the money that has to be spent when strikes occur, in capitalising a concern, I think they would be able to build up in the city of Dublin a food depot, with branches of that depot, that would supply the workers with food at a smaller figure than they are paying to-day.

They could purchase directly from the producers in the country. It seems to me that that is the first step towards reducing the cost of living.

We have unquestionably in this country too many people living between the producers and the consumers and passing on what the producers can supply to the people who are consuming. We have enough people living like that to-day to serve a nation of thirty millions. I am sorry to say that they are doing this badly, but they are making certain to pay themselves well. I think if the Labour Party took that step it would be up to the farmers to take some steps to meet the consumers, and it would be up to both parties to bring pressure on the Administration to assist them, and the Administration could assist them. That is the first step towards reducing the cost of living, and I would commend it to the Labour Party. For the Administration, perhaps, it is a difficult matter to make a suggestion. We know that there are vested interests, very influential interests, working as the middlemen in this country to-day, and I am sure the Administration will be very chary about tackling these interests. It is possible that the Minister for Finance may be looking to many of these to assist him now when floating his loan. We know, for other reasons, the Administration in other countries is generally slow to tackle vested interests, but I am afraid, unless an effort is made, we will have this recurrence of economic unrest one year after another, and, unless a bold step is taken by the Administration towards reducing the cost of living by introducing legislation, if necessary, any other section in this country cannot hope to effect very much.

I said a moment ago that the Ministry, particularly the Ministry of Agriculture, despite the fact that our trade channels were closed against us, expect us particularly to pay our land purchase annuities. I would like to tell the Minister for Agriculture that, whatever opinion he himself may have about the Land Bill that was passed during the last Dáil, I think I am voicing the opinions of the farmers when I say that that part of the Land Bill which applies to unpurchased

tenants is very unsatisfactory. I go further and say it is well for the landlords of Ireland that the present Administration was returned, for if the Farmers' Party and the Labour Party had come into this Dáil in stronger numbers there is every possibility there would be an Amending Bill to the present Act that would have been more fair to the unpurchased tenants than the Bill that went through the last Dáil. We have been asked for one year's arrears, less 5/- in the £, and the Minister for Agriculture may think, because that one year's arrears came in quickly, that the Bill is acceptable and that the people are satisfied with it. If he is, he is making a mistake. That year's arrears came in quickly because many of us advised the unpurchased tenants up and down the country that they would have to pay one year's arrears at any time. We would have been prepared to go off and pay one year's arrears. They knew that, and when the Bill went through we advised them to pay it. That is why they came in so quickly. But the remainder will not come in so quickly, because it is not to be had in the country. We are asked for half a year's arrears. I am expressing it mildly when I say there is consternation among the farmers who have been asked to pay this half year's annuity. I want to urge on the Minister for Agriculture the fact that for the unpurchased tenant who did owe three years' arrears the position is very serious. I presume under the Bill the tenants will be paying at the same time their annuities or interest in lieu of rent and paying their arrears of rent as well. The Minister for Agriculture ought to know that to-day, money is not to be got in the country or got from the farmers, and I would suggest to the Minister for Agriculture that he will be very well advised to see that the Land Commission will not press in the immediate future for the payment of the remainder of the arrears of rent. If there is pressure put on, the Land Commission will, in thousands of cases, have to go to the courts and the bailiffs will come on the land and in some cases the land will have to be sold in the courts. I do not think that will be good from the economic

point of view for the country as a whole. I suggest to the Minister he will be very well advised to consider what steps he will take, if he would anticipate taking any extreme steps in this matter.

Yesterday there was a question raised as to the position of the Minister for External Affairs and the continuance of that Ministry; also a point or two was made as to the position of the representatives of this country abroad. We are given to understand that something like £37,000 is being spent on representatives of this country in other countries. I would like to know, when Consuls were being sent out from Ireland or representatives to Berlin, Rotterdam, Paris, Geneva, and New York, if the Minister for Agriculture had anything to say as to the type of man that was sent out to represent this country in those foreign places. The reason I put that question is, we all agree that agriculture is the one industry from which we are able to export anything worth mentioning from Ireland at all. Our main exports are from the agricultural industry. What we send abroad and sell abroad we take from the land. I do not think this country can ever be built up either by great statesmen or great politicians or great soldiers unless we have got at the same time good workers in trade and commerce. Whatever may be said for having representatives abroad, it seems to me that if those men are to do anything for the country at all they will do it, not by paying tribute at a foreign Court, but they will do it if they go there from this country, understanding the real position of the foundations of this State, going there as trade representatives of this country, knowing what we have got to sell, going there to try to make markets for us for what we have got to sell, and as well capable of understanding our industry at home and understanding the same industry abroad, capable of advising the Minister for Agriculture at home as to the position in foreign countries, what we can send to the people of those countries, and to advise us as well what is the nature of the product our competitors are sending to the markets of the world.

I do not think any man can do very

[Mr. Baxter.]

much for Ireland in a foreign country unless he understands everything about agriculture in Ireland, and as much as it is possible for him to learn about agriculture in the country where he is a representative. I regret the fact, if it is a fact, that Ireland has no representative in Denmark. Of all our competitors none is doing more to retard Ireland's progress and prosperity than Denmark; Denmark is the most dangerous and most able competitor of our small farmers. She has practically beaten us in the world's markets in every article of produce that we have to sell, and she is the country that our farmers need to watch. We cannot all go there to do so and to see how things are done, but if this State sends out any representatives at all Denmark is one of the countries where we should have a man, understanding the industry there and at home and advising us of the nature of the competition we may expect. I commend that point very strongly to the Minister for Agriculture, and I hope to hear something about it from him.

I regret the fact that no mention was made in the Governor-General's Address as to the operation of the Boundary Commission. I do not know if the absence of any reference to this matter goes to show that nothing will be done in the immediate future. I hope not. A fortnight ago we were given to understand here that something would soon be done. It is some months, I think, since we were notified of the fact that our representative on the Boundary Commission was appointed and that the whole case was ready as far as the Saorstát was concerned. I think it is time that that Article of the Treaty had begun to operate and that the Ministry was showing to the people of the Saorstát, and to the people in the North-East and elsewhere, that they were really in earnest in seeing that the Clause would be made operative. I do not know if it is intended that there shall be a conference on this matter. If there is, let it be; but, if not, let the Administration say so and let steps be taken to make the Clause operative; otherwise let them tell the country that it is not to operate.

I have also to regret the fact that no mention is made in the Address as to when the financial position between Ireland and England will be straightened out, when we will be in a position to see where we stand under the Financial Clauses of the Treaty. It is a terribly serious matter. To-morrow a statement is to be made, and we will know the nature of the Loan the Minister for Finance is to float. I think that before we can expect investors to put money into any Loan we should know where we stand with regard to the Financial Clauses of the Treaty. We should know what we owe England, or what England owes us, and I am afraid that no matter what statement the Minister for Finance may make regarding our internal position it will not be anything like a full statement until we know where we stand with regard to England, and what we owe England. Then we will know whether we are a bankrupt State or whether we are in a strong financial position.

I come to another point in the Address that I regret is not in accordance with my personal point of view. A few days ago we were given to understand, during the discussion on the question of economy, that there were to be cuts all round. I expected that next day we were to hear of further cuts. The Bill under discussion the following day and yesterday did not give us any reason to believe that further cuts were to be discussed. The Governor-General suggested that there should be all round economy. I do not think that any Deputy disagreed with that statement, which voiced the opinions of the Ministers, but I expect and would hope that an example would be given by the Governor-General himself, and I think it would have been much better if, instead of starting the cuts very low down indeed, the start had been made at the top, from the Governor-General down. I think I am stating a fact when I say that the Governor-General and his establishment is costing £37,000 in the year. I say that that is doubtful, and the Governor-General is not worth the money. It is too much for this poor State in its present financial position to contribute towards the upkeep of



one individual and one household, and that is where the start in cuts ought to have been made. It is not too late, and I think it would be well for the Ministry to make an effort there, and make it very soon, and I suggest they should not stop there.

Let them come all the way down through the Ministers, through the Dáil and Seanad, and let them wield the axe on the salaries of all, because I think if we are to be consistent when we preach economy, we must give an example of it. It is easy to cut down other people's salaries. Many people can be very brave when that has to be done who will not be so courageous when it comes to cutting down their own. I think that is a point of view the Ministry should consider, and it will not be an unpopular action to take. In no other way, I think, can economies be effected. We have prisons with many prisoners costing the country many thousands, and a huge army costing at least five times more than the country can afford to pay for an Army, or as the Army ought to cost. We are told that the Army was essential for the maintenance of peace and order. It seems to me that peace and order have been restored, and that there is room for cutting down in the Army, and cutting down immediately. I suggest to the Ministry that if they would put into operation the advice that has been given pretty frequently, and even the advice given to them the other day by the head of the Irish Church, to release the prisoners, and let them go home to their peaceful avocations, no step they can take would go farther in cutting down expenditure. I know that at the moment this is not a popular question to raise in the Dáil.

**Mr. HOGAN:** It is.

**Mr. BAXTER:** I am glad to hear the Minister remark that the question of releasing the prisoners is a popular question in the Dáil, and I am very pleased indeed that he has come round to that point of view.

**Mr. HOGAN:** It is not mine.

**Mr. BAXTER:** We were told two or three days ago, at least, the President

told me when I raised this 4 o'clock. matter the other evening.

that the question of the release of the prisoners did not depend on whether or not there was to be a resumption of civil war. I take it that the civil war was responsible for these seven or eight thousand prisoners being confined. I cannot see why, if the civil war has come to an end, and I believe it has come to an end, and that the Ministry itself is satisfied it has, that there is any reason for maintaining an army to keep these men in prison, some of them, perhaps, before many days to die. I can understand keeping men in prison when they have been charged, and put on their trial and convicted of some crime, but if it is to be the order of this new State that an individual can be flung into prison—and I know many of these men from my own county who are in prison, and I know their offences are very trivial, if any offence at all, and if they are to be kept in prison indefinitely, because as has been often and truly said some officer in control for some petty reason of his own, felt that a certain man should be confined, and if these men are to be confined indefinitely without any charge or trial, it is not a good foundation on which to build up a new and democratic State. I heard the Minister for Defence tell us yesterday evening there are brave and generous men in prison, and some of these men have gone very far on the road to another world. I do not think that the Dáil, and I said it here the other evening, should remain silent, when we have reached the stage that the civil conflict has come to an end, and when the accredited leader of the Republican party told us clearly and unmistakably it is at an end, and that there is no intention of resuming it. I cannot see, for the life of me, any reason in the Minister's action in keeping these men in prison any longer. I think the Government would be very well advised to take into account, as I have said, the point of view expressed by the head of the Irish Church, and release these men against whom there is no charge, and who have not been tried, and send them home. I make that suggestion, and let the Administration say whether they intend keeping the men or sending them home.

[Mr. Baxter.]

If they make their position clear on that matter, let the other party then take the responsibility, if there is a responsibility on them—and there is a responsibility on both sides to this conflict—let the other party take the responsibility then for what may take place if the Government are prepared to tell the country that they are going to release the prisoners before a certain date. This has to be done some time. It may as well be done in two months or in one month as in two years. The prisoners will have to be released some day, and the country will have to see what will happen when they come out. There is the same danger from them coming out in three weeks or a month as there is in six or twelve months. I think that the Minister for Finance would be doing a good deal to help forward the project he has before him in the floating of a Loan if he could bring back to the country a spirit of peace. I think it is in the hands of the Government to bring about that spirit of peace. It is in their hands, because they are in a strong position. If we like to say it, they are in the position of dictators. A little statesmanship has to be shown. Statesmanship is even better in the end than dictatorship, and the Government, by an act of statesmanship, can do much to bring peace to the country. They can, too, enhance their reputation, and they can win confidence from some of the people in this country who, up to the present, have not much confidence in them. If an act of statesmanship can help to restore peace and bring union to Ireland, the responsibility is on the shoulders of the administration of the day to show us that act of statesmanship.

**Mr. K. O'HIGGINS:** Speaking as one of the dictators who answer daily here to the representatives of the people for the policy pursued in this country, and for the administration of the affairs of this country, speaking as one of the dictators who hold no power, and could hold no power for half an hour, without the support of the majority of the representatives of the people, I want to deal very briefly with some points raised by Deputy Baxter towards the conclusion of his speech.

Peace and order, Deputy Baxter tells us, have been restored. We are glad to have that tribute from Deputy Baxter to the efforts that we have made and are still making towards the restoration of peace and order. Peace and order have been restored to an extent and in certain areas, and they have not been restored by mealy-mouthedness. Peace and order have been restored by men who faced facts; by men who did not mistake blackguardism for misguided patriotism; by men who, verbally and mentally, called a spade a spade. Deputy Baxter, as an agriculturist, ought to try to call a spade a spade. He invites us to say what we intend to do with the prisoners. Let me remind Deputy Baxter that when this hunger-strike started the Minister for Defence was signing release orders at the rate of about 100 per day, and let me ask Deputy Baxter whether it is not conceivable that it was that very fact that brought about the hunger strike. There was a process of selection going on, a process of judicious selection. Men were being returned home at the rate of 700 or 800 or 900 a week, and then, with a little preliminary propaganda with regard to prison conditions, you had the hunger strike. Why? Was it because 1,000 or 2,000 or 3,000 felt that the selection was going to be too judicious, that the dupes would be returned home, and that there might be some little delay before those on whom the real responsibility lies would return home? Was it the all or none mentality? Why was it that when men were being released at the rate of about 100 per day you had this hunger strike, this freedom-or-the-grave campaign?

Peace and order have been restored, says Deputy Baxter. I am prepared to go with any Deputy through the police reports for the various counties and ask them honestly, as between man and man, whether those reports reflect an ideal or even a normal situation in many counties. I invite Deputies from West Cork, from Leitrim, from Offaly, from Tipperary and from Roscommon, to say whether they would put their hands on their hearts and endorse the dictum of Deputy Baxter that peace and order have been restored. Peace and order are in process of being re-

stored, and are in process of being restored because the Government has faced odium, has faced the odium of irresponsible people, has faced the taunts of irresponsible people and has acted with a certain strength and a certain definiteness of purpose. I can assure Deputy Baxter and other Deputies interested that the Government will continue to pursue that course very much regardless of the superficial jibes and taunts of people who either wholly fail to appreciate our national position or who are utterly reckless about the sentiments they express.

We cannot afford to gamble. We have no right to gamble. We have no right to take risks because they are not our own risks, because they are not personal to ourselves. We cannot afford to throw our bread upon the waters in the vague hope that it will return to us after many days. We threw our bread on the waters in the early months of last year, and on a flimsy undertaking we armed men who were against the Treaty, sent them into strong places throughout the country, and agreed to treat them as soldiers of the nation, if they would respect the nation and respect their own people, if they would say that they would not use their power to prevent the free expression of the people's will at an election, nor turn their arms against any Government that would come into existence as a result of such election. We threw our bread upon the waters and it returned to us, not after many days, but in a very short time, and we will throw our bread upon the waters no more. These prisoners will be released, gradually released, with a very careful watchful eye to the general situation in the country, released with a very full advertence to the activities and the general attitude of those who have been already released. This hunger strike will not be the means of releasing any man one day sooner than we think it safe to release him. It has already been the means of holding up for a month releases that were proceeding at the rate of 700 or 800 a week. Let them go home, said Deputy Baxter, to their peaceful avocations! Their peaceful avocations of burning the homes of their own people, wrecking

the railways and the bridges of the country, cutting the very arteries of the Irish nation!

Deputy Baxter complained, in the opening portion of his address, that for a month the channels of trade were closed against farmers. Was it for a month or was it for close on two years that people have been doing their damndest to close the channels of trade against farmers and against every other section of the community? Mallow Bridge, every railway, every road bridge in the country was menaced, menaced by the most criminal, the most wanton, and the most utterly degraded conspiracy that ever menaced the political and economic life of any nation. It is not out of any desire to throw stones or use hard words against any section of our people that I speak like this, but so that facts may be faced, so that we may realise that there cannot be two Governments or two armies here, so that we may realise the truth embodied in one of the opening Articles of our Constitution, that "all power of government and authority, legislative, executive, and judicial in Ireland, are derived from the people of Ireland." Let them go home to their peaceful avocations, said Deputy Baxter, while the country is flooded with proclamations under the heading "Government of the Irish Republic"; while Mr. Aiken signs himself "Chief of the General Staff." What General Staff? From whom does he hold his commission or his authority? There are not going to be two Governments nor two armies here. Peace and order will be fully restored by the methods that have led to a measure of peace and order in the country now. The prisoners have not, we are told, been charged, put on trial, or convicted. Does Deputy Baxter think that the judicial machinery of any country would stand the strain of charging, and of the trial and conviction of the 13,000 men who were called out to wage this wanton criminal campaign against their own people? He says we must assume their innocence because they have not been charged, tried and convicted. Assume the innocence of people caught in arms or caught in the act of burning the homes of their fellow-citizens!

[Mr. K. O'Higgins.]

We will deal with the situation that surrounds us in the country according to the light God gave us and according to our own appreciation of our responsibilities to the citizens of the country, but we will not be rushed or stampeded by people who get up and talk vague sentimentality about our bravest and best, and about letting them go home to their peaceful avocations. Economy is on many lips at the moment and there are many suggestions, some sound, some utterly far-fetched and unsound, but the economy that points to gambling with the situation in the country, that urges us to take the risk of a renewal of the campaign that already has cost the country upwards of 100 millions, is something we cannot understand and that we have no intention whatever of adopting.

The accredited leaders, we are told, tell us the thing is at an end. The accredited leaders have told us many things within the last few years. Let them tell us one thing. Let them tell us that they abandon any claim to style themselves a rival Government; that they abandon any claim to maintain a rival army to the Army that is the people's Army and that is responsible to the people through this Parliament. Let the accredited leaders tell us they regard themselves as a political party like any other political party in the State, and that they are prepared to convince the minds rather than to coerce the bodies of their fellow-citizens. Arms are sown from one end of Ireland to the other. Why are they sown? To be used against whom? If there is recognition that the people are the source of authority here, why are those arms sown?

If Mr. De Valera or Mr. Aiken or Mr. Rutledge and their friends can secure a mandate from their fellow-citizens, they will be entitled to all the military and financial resources of this country; the man who attempts to oppose them will be a rebel against lawful authority here, and I have no doubt these people would know how to deal with him. Why then are those arms secreted from one end of Ireland to the other? To shoot crows, perhaps, that are eating Deputy Baxter's corn.

**Mr. HOGAN (Minister for Agricul-**

**ture):** I do not think there is room for any misunderstanding as to what the Governor-General said about high wages, high profits and high prices, and there is no use pretending there is. I assure the Farmers' Party and Deputy Baxter I have not just discovered from him or anybody else that wages, prices and profits in agriculture are lower. It was with full advertence to that fact we drafted the Governor-General's speech, and there is no doubt whatever as to what he said and what he meant. He dealt with agriculture in one section and with industry in another. Dealing with agriculture he referred to the depression which has overtaken agriculture generally in Europe, and then he went on to explain the measures necessary to combat the depression in agriculture in this country. Dealing with industry, he spoke of high profits, high wages, and high prices being impossible in an agricultural country. We talked now about De Valera. I do not believe anybody else except De Valera could possibly have mis-read or misinterpreted that section. He could do it.

It is quite impossible to deal with this extremely grave question piecemeal. I know, and we all know, that agriculture is depressed, and we know this country above all places cannot afford to have agriculture depressed. The agricultural industry is vital to this country. I believe, as Deputy Baxter has stated, that realising the seriousness of that position, we must all do our part—the Government and the various parties—and I think the situation from the agricultural point of view is serious enough to justify me in saying that we can do a certain amount, but all men of good-will in all parties in the country must come half way to meet us. There is no use bluffing; there is no use in telling you what we can do if we do not mean to do it. The situation, though quite hopeful, is too serious for that. It is essentially a situation that needs the co-operation of all parties and all men of good-will in the country. With such co-operation it can be solved quickly and expeditiously; it can never be solved by the Government alone.

What is the position of agriculture? I am sorry to have to go into this mat-

ter at some length. This matter has been criticised from many different points of view. We can never get any real understanding of the position if we approach it in piece-meal fashion. When Deputy Davin, who made an excellent contribution to the debate, speaks, I know perfectly well he will talk about the railways. Yesterday, after telling us a lot of truth about the railway position, he ended by saying: "The result of high freights for agricultural produce is to put the farmer out of production." That is dealing with the case piece-meal. If there were nothing else but high freights it would be easy to solve the problem. There is no use in picking out one item—an item that suits the particular point of view of one party. There is no use in concentrating on that, no matter how important it may be, and blaming it for the general situation. When Deputy Heffernan or Deputy Baxter rise, I know perfectly well that one-quarter of their contribution to the debate will be on the general agricultural position, and three-quarters of it will relate to Land Commission annuities or payment in lieu of rent. We cannot approach the question that way. We must diagnose the case properly before we can even begin a cure.

The position in a nut-shell is that the farmers' prices at the present time are between 40 and 50 per cent. on an average over pre-war. It is hard to get the exact figure, but that is the average. I speak of the price of the produce which the farmer produces. Remember that the farmer produces 75 per cent. of the real wealth exported from the country. I will stand for that figure as accurate and as a minimum. Remember also that the index figure for his price is between 40 and 50 per cent. It is stated that farming is not paying and that farmers are producing at a loss. I will be quite frank about that. That may be the position with large farmers at this particular moment. It is not the position with the small farmers. Nobody can say that I have stated that the farmers are making a huge profit. I want to assure Deputies that I have not said that. What I am saying is that as far as the bulk of the farmers of the country are concerned, taking in the whole year, they

are not producing at a loss. They are not producing at anything like the profit they should receive, but they are not producing at a loss.

**Mr. JOHNSON:** Would the Minister be able to tell us what, in his estimation, is the portion of the 75 per cent. which is produced by the small farmer—the farmer under 50 acres?

**Mr. HOGAN:** I would have only to guess at that. I should say it would be at least 50 per cent. I want to be safe. Consider the position of the average farmer, his overhead expenses, rents, rates, labour, freights, fertilisers, food-stuffs and seeds. He gets something between 40 and 50 per cent. over pre-war for what he produces. His rates are about one hundred and fifty per cent. increased.

**Mr. WILSON:** Three hundred per cent.

**Mr. HOGAN:** On an average. We can never get at remedies unless we diagnose the case. I understand that that is the average. His freights are increased about the same amount. You can pick out freights that are increased far more but on the average—

**Mr. WILSON:** On a point of order—

**AN CEANN COMHAIRLE:** Is Deputy Wilson sure that it is a point of order?

**Mr. WILSON:** A gentleman representing the Department of Agriculture, before the Agricultural Commission, stated that agricultural produce freights on the Dublin and S. E. Railway was increased 475 per cent. above pre-war.

**Mr. HOGAN:** Agricultural produce on the D. and S. E. Railway was 475 per cent. increased—

**Mr. WILSON:** It is the evidence of your own servant.

**Mr. HOGAN:** I make a statement here. It is not going to be the last meeting of the Dáil. I am making a statement after having given the matter a considerable amount of thought. If we are dealing with various items we must get a bird's eye view of the position. On the average

[Mr. Hogan.]

the freights are 150 per cent. increased. Labour is increased between 70 and 80 per cent. That is the average. Fertilisers and feeding stuffs have increased between 50 and 60 per cent. It is hard to get the averages for each, having regard to the fact that Basic Slag, which is used very largely by the farmer, is increased much more than 60 or 70 per cent. We find in any case that 60 or 70 per cent. would be about the average increase under this head. So you have the position in a nut-shell. His prices are about 40 to 50 per cent. over pre-war. His overhead expenses now are increased by 150 per cent., 60 per cent. and something like 80 per cent. Now examine that. These figures do not inevitably show that the farmer is producing at a loss. Examine them for a moment. Take rates. The average rate on land is little less than 7/- in the £ per acre. It is a little less than 7/- in the £, and hence the average rate paid on agricultural land in Ireland is about 7/- per annum per acre, taking the average valuation at £1 per acre, which is a bit high. That is not going to kill the farmer, and it is not killing the farmer. There are exceptions. There is the Co. Waterford and the Co. Dublin. But the Co. Waterford and the Co. Dublin do not matter, in making the calculation, because we have to look at the country as a whole. I say the rates are not killing the farmer. He has a genuine grievance that rates are 150 per cent. above pre-war. But it is not the rate question that is doing the harm. It is not the amount of the rates in an average Council that is doing the harm. His greater grievance is the wasteful and inefficient way in which the money is spent. That is a far greater grievance too than the 7/- per annum per acre. But that is not killing the farmer.

We are asked what we are going to do about the rates. There is a Bill being introduced, practically immediately, I understand, by the Local Government Department. That will give far greater control to the Government, not only over the total rate but over the spending of each item of the rate all over Ireland than the Department has now. In addition the abolition of the local bodies, like District

Councils, will have the effect of throwing the onus directly on the County Council. It will be far easier to control when the small local bodies are, so to speak, agents for the County Council. There will be a tightening of the grip; and these measures will give the Local Government Department control over the amount of the rate, control over the various items of expenditure, and also put the onus on larger bodies which are more likely to be efficient as they will be elected from larger areas. These measures undoubtedly ought to deal with the rate question.

The agricultural labourer cannot be expected to lose more. The agricultural labourer has done his part, and a little more than his part. If Labour in the other industries of the country, in the industries that are living on the farmer, to the extent of 75 per cent. of the total production, the distributive and non-productive industries, would do half as much as the farmer and his labourer, the situation would be saved.

**Mr. GOREY:** They are not needed. They are drones. They are not industries.

**Mr. HOGAN:** Then you have the question of fertilisers, feeding stuffs and manures. They are high. They are under the figure of 80 per cent. on an average, 80 per cent. being the index figure. Sixty would be the index figure for them. Finally we have the question of freights. Now, Deputy Davin dealt with this question to a great extent yesterday. He asked when was the reconstruction of the railways of the country to be dealt with, and complained that it was taking a very long time to deal with. I agree that that is a question which cannot brook very much more delay. But Deputy Davin and the other Deputies in the Dáil know the difficulties. It is not a question, as everybody who has thought about it or who knows anything about it knows, of taking the railways of Ireland and putting a ring round Ireland and considering the railways within that ring. You all know that the railways of Ireland take the produce of Ireland out of the country. You all know that there are reactions in regard to the English railways. I am sure that Deputy Davin knows that there are very grave diffi-

culties, and that it is not a simple question but a complex question, and that it may result in very serious differences between the railways of Ireland and the railways of England. I do hope that if these differences ever come to a head, as possibly they may, whatever little inconvenience or loss may be suffered momentarily in any endeavours which we may make to make our own settlement of our own railway question, that we will get the support of Deputy Davin and the other Deputies in the Dáil in taking up that attitude.

Now, these are the overhead expenses of the farmer; these are the prices, and what he must buy to produce; but much more important are the prices of what he must pay to live—the prices of tea, sugar, coal, stout and the rest. That is where the shoe really pinches. These are the problems. Bring down the rates and freights and bring down the price of manures, seeds, agricultural implements, tea, sugar, coal, meat; in one word, I am looking at it from the farmer's point of view, the cost of living, and that is what it comes to. The greatest relief the farmer can get, I agree with Deputy Baxter, would be to reduce the cost of living. I have left out rents. I will deal with that question of rents separately. I will only say now that if you were to wipe out rents—not merely to give a reduction of 25 or 55 or 65 per cent., but to wipe out rents entirely—you would give far less relief to the farmers than the relief that would be given by a 5 points drop in the cost of living. Some people have the habit of concentrating on non-essentials. This is a very difficult and a very complex subject, and this habit of concentrating on one point of it, of which you know something about, or upon non-essentials saves us from thought and leads nowhere. You have to face the situation as a whole. Deputy Baxter was right in saying that the essential thing for the farmer at the moment, and for the country as a whole, is to bring down the cost of living. Who is keeping up the cost of living? Not the farmer; he is looking on listlessly.

**Mr. WILSON:** And helplessly!

**Mr. HOGAN:** Not helplessly!

**Mr. NAGLE:** Hopelessly?

**Mr. HOGAN:** Well, I will not pursue that any further; but who is keeping up the cost of living? I have given the figures for the farmer, who is producing 75 per cent. of the real wealth of the country, and I have invited Deputy Good, or any other Deputy, to find a way out of the dilemma which I am putting up. You have the farmer with his index figure at 40. I do not know what the index figure of the prices retailed to the consumer are by the various distributing businesses of the country, but it must be 80. I do not know any index figure of the retail non-productive and distributing trades. I do not know what it is, but it is something between 150 and 200. Therefore you have the farmers of the country producing 75 per cent. of the wealth of the country, and I include the agricultural labourer. I will not state his index figure. I put the farmers at 40, and possibly I may put the labourers at 80. You have on the other side at least 80 for the employer and between 150 and 200 for the employees. That is keeping up the cost of living.

Now, undoubtedly the farmer will go out of production. That is certain—slowly, of course—but if he goes out of production it will prove a disaster for farming. But the small farmer can live, and will live, and most of the farmers in the country are small farmers. It will be a disaster all the same, and it will be a real disaster for our friends who are causing all the trouble and who are living on the farmer. The employer and the labourer here in Dublin will learn for the first time if they insist on killing the goose that lays the golden egg that they have been living on the farmer, who produces 75 per cent. of the wealth of the country. There will be nothing to distribute; no profits to be made, no wages to be earned. That is the situation. It is a national danger, and it is up to both employers and labourers, through their organisations here in Dublin, to face it. They are on their trial before the country. They are killing the main producer in the country, and they are on their trial not only as business men, but as patriots. If they united they could bring down the cost of living. I make

[Mr. Hogan.]

them a present of this—it is an extremely difficult thing for the Government to try to do it. Anyone who likes can call that weakness, but I say it is an extremely difficult thing for any Government to interfere in trade or in trying to rule prices; but the situation is so serious that if both the employers and the employed in the distributing and the non-productive trades of the country insist on fleecing the farmer, I see no other alternative except to come to the Government and ask them to fix low prices.

It does not matter, so far as the farmer is concerned, how the cost of living is brought down. It does not matter if you attack the very high prices of agricultural machinery which he buys in order to produce; it does not matter if you attack the question by dealing with tea or sugar which he buys in order to live, or if you attack it from the point of view of bringing down the price of stout, which he does not want so much as the dock labourer, or clothing, which is absolutely necessary for the labourer here in Dublin. The real necessity of the moment is to bring down the cost of living. If that diagnosis is correct I ask the employer and the trade unionist here in Dublin, are they prepared to help and meet the farmers of the country, instead of sitting still and looking at each other across a table to see who will begin first? They are on their trial now, and the situation is urgent and serious, and if they are not prepared to come half way to meet us we must go more than half way to meet them. We see no other way out of it, although it is an extremely hard thing for any Government to do. You can approach the question of bringing down the cost of living from another angle. As I said a moment ago in reference to the County Dublin farmers, there were exceptions as far as the rate was concerned, and as far as the agricultural labourer was concerned. Their rate is much higher than that of any other farmers in Ireland.

**Mr. WILSON:** Or in England.

**Mr. HOGAN:** Yes, the rate paid by the County Dublin farmers is higher than that paid by any other farmers in Ireland, or, as Deputy Wilson said, in

England. On the other hand, of course, it has to be remembered that the County Dublin farmer has great advantages. He is near his market. Milk is coming into the city of Dublin from the farmers of Louth and Meath at 1s. per gallon, *ex* Amiens Street. The price may have increased lately to 1s. 1d. or 1s. 2d. per gallon, but the milk is sold, retail, in Dublin, at 2s. 6d. and 2s. 8d. per gallon. That is the position you have to consider. Milk, as I say, was coming in last week *ex* Amiens Street at 1s. per gallon, and the retailers had not even to pay the carriage on it, but they sold it in Dublin at 2s. 6d. and 2s. 8d. per gallon. What, I ask, are the County Dublin farmers doing? There is a small fortune there for them. I take that as one item. If the farmers wake up from the listless lethargy that is over farming, and over most other industries in the country, they have the situation in their hands. I am glad to say there are some farmers waking up to the possibilities in that direction, as, for instance, Mr. Fahy, who did not get into the Dáil at the last election, but who is justifying his existence at the moment down in the County Cork. He is going on the right lines, and is now marketing his own produce.

Take the question of milk. Farmers around Dublin could sell and distribute milk in the city and make a big profit on it at 1s. 6d. per gallon. The consumer in Dublin could then get milk at 1s. 8d. per gallon, leaving the County Dublin farmer, or any other farmer who wished to get into the business, a well off man. I ask the County Dublin farmers why they do not do that. They answer, "Labour." They say that if they bought 30 or 40 cows to provide the city with a supply of milk they would have no one to milk the cows. They say they are now paying 43s. a week to their agricultural labourers, which is a rate higher than that paid in any other part of Ireland, or in England, to agricultural labourers. They say also that if they sold 100 cattle and bought 25 cows, the labourer would turn around and say "This is a different class of work," and that he would have to get a wage of £3 or £4 a week, the same as the Dublin cow-keepers are paying. I do not know



whether that is so or not; I do not know whether these are labour difficulties or not, but I believe there are faults on both sides. I do know that on this question, if labour and the farmers are standing in the way of an understanding being arrived at between them that they are doing a bad turn, not only to the farmers but to the whole country, and in particular to the Dublin consumers, composed mainly of poor people. Bring down the cost of milk in Dublin, and I say the farmers and the labourers can do it, to 1s. 6d. per gallon, and what will the cost of living fall to? I could pick out other ways of increasing the farmers' price which at the same time would bring down the cost of living. I agree that that cannot be done without good will, and with a facing of facts from the labourer on the one side, and the farmer on the other.

If they agree with me that this is a correct diagnosis of the position, and that this high cost of living is actually killing the country, surely it would be possible, with a little bit of intelligence and good will on both sides, to have the situation tackled on these lines. That is, in respect of these two items. I could mention others; I could mention other directions in which farmers, business men and labour, knowing anything at all of the country, could help to bring down the cost of living. We cannot do it here, but you are forcing us to do something which is essentially the work of the citizens themselves. We could go in and run a business; we may have to do it yet, and we may have to take over the milk trade. Possibly we may have to go and distribute milk in Dublin, if this thing goes on much longer, but we should not be asked to do it. You could do it for yourselves. We are prepared to go half-way to meet you and to give you all the assistance that we can. If the farmers will wake up we will co-operate with them, and the same applies to labour, but if they do not they are forcing us to do something which may achieve an immediate object, but which will have reactions that are not healthy. That is the situation as I see it. There is no use in concentrating on freights or talking about rents.

As regards rents, Deputy Baxter

complains that we are expecting them to pay their Land Commission annuities. In saying that he said he was voicing the opinions of the farmers of the country, and in doing that I thought I heard a catch in his voice that seemed to remind me of a member of the old Irish Parliamentary Party talking about the land for the people 20 years ago. He said he was voicing the opinions of the farmers of the country and that they were not going to pay these annuities or rents, that in fact they were going to bring in an amending Bill, or were thinking about it. That is humbug. There was not a single farmer candidate who got up and told that to the electorate two months ago.

**Mr. BAXTER:** On a point of order I did.

**Mr. HOGAN:** If that is so, I withdraw and apologise, but I may say this that I took the trouble to go through a file of newspapers containing speeches delivered during the late election campaign, and I also got the official programme of the Farmers' Party, and neither in these speeches nor in that programme did I find a single suggestion that the Land Bill was even to be amended. In taking up that attitude the Farmers' candidates acted very wisely. If I may say so, I read the speeches that appeared in the "Independent" newspaper delivered by Deputy Baxter, and I must confess that I missed the point he now makes. I am quite willing, at the same time, to accept what the Deputy has stated. I also read the speeches delivered by Deputy Heffernan in Tipperary, and I noticed that any reference in them to an amending Land Bill was conspicuous by its absence.

**Mr. GOREY:** Did you read mine?

**Mr. HOGAN:** I did.

**Mr. GOREY:** Did you find any references to an amending Land Bill in them?

**Mr. HOGAN:** No.

**Mr. GOREY:** Then you must not have read them.

**AN CEANN COMHAIRLE:** Order.

**Mr. HOGAN:** Not a single member.

[Mr. Hogan.] of the Farmers' Party made this an issue at the election. They did not even say a word about an amending Land Bill, but now, two months after the election, we have Deputy Baxter, with this catch in his voice, coming forward and saying that he is voicing the opinions of the farmers of the country and that they are not going to pay annuities or rent.

**Mr. BAXTER:** I did say that, and was put in on that issue.

**Mr. HOGAN:** All I can say is that you managed to hide it very successfully.

**Mr. HEFFERNAN:** During my speeches I referred to an amending Land Bill, and the remarks I made were reported in other of the Dublin newspapers. The Minister says that he only read the speeches in the "Independent." I just wish to make that point clear. I do not think the Minister is in order in making that statement because all the speeches did not appear in the "Independent."

**AN CEANN COMHAIRLE:** The Minister said he read the speeches in a particular newspaper, and did not find the reference in it. The Minister is entitled to say that he read a particular newspaper and did not see a particular thing in it. The Minister is quite in order in saying that.

**Mr. GOREY:** Everybody knows that the newspapers did not publish all the speeches delivered at the recent elections.

**AN CEANN COMHAIRLE:** The papers are not a point of order.

**Mr. HOGAN:** We find now that all three, the "Freeman's Journal," the "Independent" and the "Irish Times" were the mouthpiece of one particular Party. I did not know where the strength came from before, but now we have it all. As they had the whole Press, the Farmers' Party should have got in first, but that was a mistake of theirs. Of the three candidates who went up at the last election, stating in their official programme that they proposed, not to repeal, but to amend the Land Act, not one of them got a sufficient number of votes to qualify them to get a refund

of their deposits. There was not the slightest suggestion in the official programme of the Farmers' Party about amending the Land Bill. I have only got to say this—that there were no references as regards an amending Land Bill, except there may have been some made in out of the way villages which were not reported in the Press. References as regards an amending Land Bill were conspicuous by their absence in the speeches delivered during the elections by members of the Farmers' Party. Now they come here, two months after the event, talking about amending the Land Bill. As regards rents, these are less than 10 per cent. of the annual outlay of the average farmer; I should say they are even less than 10 per cent. They always get 90 per cent. in the time occupied with speeches which we hear delivered here, but in reality rents are less than 10 per cent. in the annual outlay of the average farmer.

We have dealt with rents. We have given a reduction of from 25 per cent. to 35 per cent. in rents, and 5 o'clock. that leaves a payment under that head of from 25 per cent. to 35 per cent. below pre-war. That is the problem that has got all the attention from Deputy Baxter, Deputy Heffernan, and other Deputies who think they are living twenty years back.

**Mr. BAXTER:** Not all.

**Mr. HOGAN:** Concentrate on the other 90 per cent. of the farmers' outlay. Do not be trying to humbug the country on the land question. I will not ask you to reduce that outlay 25 per cent. or 30 per cent. below pre-war but to 50 per cent. above pre-war, and you will be doing something. Five points reduction in the cost of living would do more for the farmer than the abolition of all rents, and if you have any doubt about it get a piece of pencil and paper and work it out. That is all I have to say on the Land Bill. We will endeavour to deal with the cost of living question. I ask the support and co-operation of labour and capital as well as of the farmers. They can solve it easier than we, but we will go half way. If this is a correct diagnosis of the case, is not the country in danger from the present high prices? I say to

employers "are you not cutting your own throat," and I say to labour, who are claiming something like 200 per cent. above pre-war in the distributive trades, "you are killing labour."

**Mr. JOHNSON:** Has the Minister made any calculation of the effect of the reduction of wages in the distributing trades on retail prices?

**Mr. HOGAN:** I do not suggest, and never have suggested, that you are going to make a tremendous difference by any measures taken to deal with one side of the problem. All I do say is, that both clearly are to blame. Clearly, you cannot justify, in the face of the index figures produced by the farmer and his labour, the wage at present paid to the distributive workers, just as you cannot justify the profit there must be which the distributor is getting at present. You must have co-operation on both sides, but if they do not co-operate and face the facts as they are, they are going to kill the country, and we cannot afford to let them. We must then come in and control prices. That is a difficult thing to do, but we must do it. We cannot allow a situation like this to go on. The farmer gets 36 per cent. over the pre-war level, and the retailer sells at something like 100 per cent., and the retailers, plus the retailers' labourers, are getting their undue proportion of that. Deputy Johnson suggested some time ago that the real solution is to increase wages and there will be more to spend with the increased purchasing power. When you realise that 75 per cent., or very nearly 75 per cent., of the labour of the country is in the distributive, retailed, non-productive trades and that they are living at present on an industry which is certainly very depressed, surely you will agree that increased wages, in that situation, of the distributor, at the expense of the producer, who is depressed, is absolute madness. There is no way out of it on those lines. There is only one way out of it, and that is for labour and capital to face the situation, to get the facts, and if they agree on the facts, to do the patriotic thing and, if I may say so, to do the business thing as well.

Vol. 5.

**Mr. J. GOOD:** I think the Deputies listened with the greatest interest to the remarks that have fallen from the Minister for Agriculture. I look upon it as being a practical and useful speech in the present situation. He has pointed out that the cost of living is the real trouble at present. Those of us who are engaged in connection with commerce will agree with him wholeheartedly in that. The cost of living is the real trouble, and it is to the cost of living that we ought to address ourselves if we want to get the matter put right. He has mentioned two items which, on the face of it, demand some explanation as to why the charges are so high at the moment. The question of milk has long been a topic in Dublin, and it needs a considerable amount of explanation as to why the price should be at its present high figure. It is a very important item in the cost of living. Another very important item in the cost of living is the question of meat and, in view of the present price of cattle, it is exceedingly difficult for an ordinary lay man to understand why the price of meat should be at its present figure. I think an explanation also is needed as to why the price of meat should be so high. These are two exceedingly important factors in the cost of living. There is a third important factor in the cost of living, and that is the question of rent. I think Deputy Johnson will agree with me when I say that in a city like Dublin and its suburbs, the question of rent is one of the most important factors in the cost of living. On that question of rent one might say a good deal at the moment. When I was speaking on the subject to an amendment a few days ago I pointed out that wages at the moment in the building industry, which produces the houses, were at an exceedingly high figure, and I pointed out what the result of that wage was on the production of houses. The figures, you remember, were in the case of tradesmen 150 per cent. over pre-war level, and in the case of labour 220 per cent. over pre-war level. When we were discussing this matter I was anxious to draw attention to a point mentioned by Deputy Johnson. You will remember when he was speaking

[Mr. J. Good.]  
on the subject on the Address of the Governor-General he drew attention to the case of Copenhagen, and much attention has been directed by Deputies to the remarks which fell from him on that occasion.

You will remember in Deputy Johnson's reference to Copenhagen, he did not give us pre-war figures. He only gave us present figures, and he said, "Taking the rate as we find it in Dublin pre-war, and taking the rates as we found them in Copenhagen to-day, I draw certain conclusions." That, to my mind, was an exceedingly erroneous basis to take. That is, to take the present rate in one country and to take the pre-war rate in another.

**Mr. JOHNSON:** I took both pre-war and present rates.

**Mr. GOOD:** I have had some enquiries made into the matter, and I have succeeded in getting the pre-war rates in Copenhagen. I have not got a report of the proceedings when Deputy Johnson made his remarks on the subject, but the Deputies will remember that he told us bricklayers receive a very considerable wage in Copenhagen. I think the wage he gave us was £5 5s. 7d. The information I have does not bear out that. Wages of bricklayers in Copenhagen at the moment are identical to what they are in Dublin, 1/10 $\frac{1}{2}$ d. per hour. The only difference in the gross amount between what bricklayers receive in Copenhagen and here is that the bricklayer works two hours more in the week in Copenhagen. They work 48 hours there in summer and 42 in winter. If you take the average of 46, a bricklayer gets two hours more per week there than in Dublin. If you take two of them working the same number of hours you get the same rate in Copenhagen as in Dublin. To make a comparison with the other trades on the same 46 hours basis, a carpenter gets £3 18s. 7d. in Copenhagen, and £4 7s. 4d. in Dublin, while the bricklayer gets the same money in Copenhagen as in Dublin. The Dublin carpenter gets 11/3 more on the 46-hour basis than the carpenter in Copenhagen. Coming to the question of

labour, labour gets £3 9s. per week in Copenhagen, and on the same basis in Dublin £3 1s. 4d. The labourer gets 7/8 per week more in Copenhagen than in Dublin, the carpenter 11/3 less, and the bricklayer the same money. What is the effect of this, taking the pre-war rates? Every bricklayer in Copenhagen to-day has 95.6 increase in wage over the pre-war rate. The bricklayer in Dublin to-day has 150 per cent. over the pre-war rate. The labourer in Copenhagen has to-day 118.2 per cent. increase over pre-war rate. The labourer in Dublin has 220 per cent. over the pre-war rate. So that on those figures I am afraid if we have to take Copenhagen as a basis for the increase, that we have an amount of increase out of all proportion in Dublin. It may be said to us what is the effect of wages with regard to costs in the building industry; in other words, in the cost of houses. I pointed out the other day that wages in the average building are 50 per cent. of the total amount. One can see at a glance the very large and important effect that wages would have on the cost of building, and consequently on the rents of houses which would be let for occupation. Now, it has been pointed out by Deputy Johnson that we employers seem to take the most inopportune moment and the most objectionable way of enforcing our demands. Might I remind him, however, though that may be true of other industries, and I think it is very questionable, it is not true of the building industry. This question of high prices has been killing the building industry for a very considerable time. A great many would be inclined to say that the masters should have taken very much more drastic steps than they have to keep wages down and to provide employment for the unemployed at the moment in our cities. As regards the building industry, it cannot be alleged that the masters had taken those drastic steps, and the Minister has suggested there should be more co-operation between employers on the one hand and the employed, or trade unions, as representing the employed, on the other hand. With that I am in entire agreement, but the difficulty is to get that proposal carried out. In April last,

attempts were made to bring about a conference between labour on the one hand and the employers on the other in the building industry, with the object of bringing down wages. Those proposals fell through, because labour would not consent to meet the employers. What is the alternative? You speak about both sides being anxious to meet and confer. I agree with the Minister that should be the line, but it is very difficult to get it carried out in Ireland. In the building industry on the other side, to which I have drawn attention, wages were on a higher level than they ever reached in Ireland, and they are down now to a very much lower level than they stand in our cities. A tradesman is paid in London to-day what is looked upon as a super rate of 1/7½d. per hour. The same tradesman here is paid 1/10½ an hour. Wages have been reduced from a higher level to a very much lower level on the other side, through friendly negotiations between the two parties, and all through those reductions there has not been any disturbance in the industry.

I cannot understand how they can bring about these reductions on the other side and how we cannot act on similar lines. If we have not been able to do it in the past, I think, in view of what our country has passed through, we should endeavour to see if we cannot do it in the future, and as far as I am concerned, speaking as an employer, if Deputy Johnson will undertake to speak to those whom he represents in connection with the building industry, I will undertake to speak to those on the masters' side of that industry and see if a conference cannot be brought about with the object of reducing these wages, admitted by all to be too high, and to avoid, if at all possible, some of the conflicts between capital and labour of which we have had too many during the last six months.

**Mr. DARRELL FIGGIS:** One felt two difficulties——

**AN CEANN COMHAIRLE:** Is Deputy Figgis going to speak on this question?

**Mr. DARRELL FIGGIS:** Yes.

**AN CEANN COMHAIRLE:** He spoke before.

**Mr. DARRELL FIGGIS:** I spoke on the Financial Statement only.

**AN CEANN COMHAIRLE:** No. The Deputy asserted his right to speak on the main question, and he spoke on it.

**Mr. DARRELL FIGGIS:** I do not recall doing so, if that is your recollection. I think I only spoke once; that was on the Financial Statement.

**AN CEANN COMHAIRLE:** I endeavoured to make myself clear on this point before, I think, on three occasions. The Minister for Finance made a statement on the Motion now before us. Deputy Figgis moved the adjournment of the debate and made a speech which was a speech on the motion. It would have been impossible for anybody to have made a speech on the Financial Statement. One can only speak on a motion or an amendment, as Deputy Figgis is well aware. At that time I asked Deputy Figgis whether he would give way to the mover of an amendment. He desired to speak on the main question, and he has spoken upon it.

**Mr. GOREY:** I think I will have to begin where I intended to leave off. The Minister for Agriculture has made a very interesting speech, as he always does, but he has a knack of saying only what suits his point of view and of leaving out the facts and figures that might tell against him. We are used to that class of speech from the Minister, and he has let us have one this evening. He has given us the index figure of farmers' produce—40 per cent.; he gave us the index figures of taxation, what I will call the index figures of subsistence, broadly, labour and freights, and he has made a statement on the assumption that these things, entitled the channels of export and import, were at our disposal. Were they? Have they been for the last two or three years, or for the last three or four months? One would have imagined that the Minister for Agriculture was dealing with a normal position and that there was no interference with the business of agriculture. Had we facilities for export and

[Mr. Gorey.] import? Had we facilities to our markets to which we export 75 per cent. of our produce? What did the Government do to secure these facilities? It may be said that it was only the Government's business to keep order, but did they keep order? I pay them the tribute of saying they did their best to keep order as far as they could, but order was not sufficient. Order is not all that this nation requires. We wanted the channels and the arteries of the nation kept open, and they were shut. The Minister's figures are absolutely useless in the absence of economic liberty. We have not economic liberty, and the Minister's statement was made on the assumption that we had. The agricultural industry in England is depressed; the agricultural industry of the world is depressed, but how much more depressed was the agricultural industry of this country, the country that could not get away a ton of its produce or one of its beasts for three or four months. They are here now, almost within a few days of Christmas, when the value of any decent beast has been reduced and it has deteriorated to the extent of £4, £5, or £6, by at least one hundredweight, no matter what food they got and regardless altogether of any deterioration in the market in the meantime. I am not talking at all about the amount of food they consumed during that period.

The Minister tells us that it is an extremely difficult thing to interfere with trade, to interfere with the distribution of milk and the sale of the other commodities for the subsistence of our people in the City, but the thing they could and should have done was to establish the means of keeping open the arteries of the nation. At the last moment the farmers and those interested in the cattle trade opened an artery for one particular item, but it should not have been left to any section of the community, and a small section at that, to do so. It should have been done by the Government. I will come back to this later, because I took notes. I suppose I will weary the Dáil, but I will risk that. Deputy Good gave us a very clear statement about pre-war and present day figures with regard to wages. One thing

Deputy Good and Deputy Johnson, and others who have talked on this question, have omitted. They have been very clear about their figures in regard to wages, but they never said a word about the work done for the wages, either here, in Copenhagen, in England or anywhere else.

**Mr. JOHNSON :** It cannot be measured.

**Mr. GOREY :** I am sorry Deputy Good did not tell us the output in Dublin and the output in Copenhagen. I am sorry he did not tell us the number of bricks usually laid in the trade in Dublin and the amount laid in Copenhagen, in England, and America, and the return that a bricklayers' labourer gives for the wage he receives. I think I could, if I wanted, express the real opinion of the provinces, and the provinces know a little about this question and what Dublin means to the rest of Ireland. The opinion held of those engaged in industries and the building and other trades in Dublin is that the industrial community of Dublin is largely a community of parasites living on the backs of the rest of the nation. A good many people suggest that Dublin ought to be handed over to the Six-counties, or taken away out of Ireland altogether. When Deputy Johnson was addressing the Dáil he made statements that I either did not understand, or if I did, I take considerable exception to them. He made a statement of which I must take some note, that "peace was hampered by disagreements." He also expressed sorrow that employers are hampering prosperity. I think the exact words were that "the active agents in promoting disagreements are not the men but the employers." The people I represent are largely employers. I do not think he intended to exempt them from coming under the heading "employers," and when he says we were largely "active agents in promoting disagreements" he stated what to my mind was not a fact, to put it very mildly—I could use another word but I refrain from doing so. He also pleads for a recognition of facts, and I think he was very eloquent on that. Now I pleaded for a recognition of facts, and I want to come down to the

ground with Deputy Johnson. I will not go into the question as it affects Dublin or industry generally, but I will go into it as it affects agriculture. What facts has Deputy Johnson produced to justify his assertion that the farming employers were the active agents in promoting disagreements and hampering prosperity? What, I think, Deputy Johnson did when he asked for a recognition of facts was to ignore them himself, and I think he showed considerable wisdom in that. Here are some facts in connection with this question. The agricultural wage in Norfolk, Lincolnshire, and Cambridge, and the great agricultural centres of England, was arrived at last year after a strike by a recognition of facts by both parties, and that wage was fixed at 25/- a week. I could bring in other side lines if I choose. I could bring in the fact that the Irish labourers in the rural areas live in a cottage and have an acre of ground at one shilling, and perhaps less, a week.

**A DEPUTY:** A half-acre.

**Mr. GOREY:** I know of no case where a half-acre is still in existence. This gentleman must not live in the country. I will not go into these small details, as I would be only wearying the Dáil, but does anybody want to contrast the resources of Norfolk and Cambridge and Lincolnshire, and the other great English agricultural districts, with the resources of this country? Do you want to contrast the size of the farms there and their size here? In England you have huge areas owned by one man; here you have small scraps where a man has to make his living and pay his way. Has that contrast been made, and has the contrast been made between the cost of transit in this country and the English centres of agriculture? Has any contrast been made of the proximity to markets? These are facts, and why have they been omitted? No contrast has been made of the output of work here and there. Everybody has been silent about these facts. Another most important fact was that one man here, with the assistance of a few select Bolshevik followers like himself, has for months held up the whole trade of our ports. That is a fact that has not been mentioned.

I wish to be candid with Deputy Johnson and his party. I do not blame Deputy Johnson in any form for the acts of this gentleman and those with him, and I do not hold him responsible for any acts committed by this man or his followers. One fact I cannot shut my eyes to, and there is no use in anyone on the Labour benches or anywhere else shutting their eyes to it, is that this country cannot afford a wage almost 50 per cent. greater than other countries. Wages in Co. Dublin, I understand, today are 43/- as compared with 25/- in Norfolk. I wish to say that I do not believe that the farmer or agricultural workman is getting his fair share. I know something of the facts the Minister for Agriculture has stated. I have always contended that the reason the wages of agricultural workers in the provinces are so small is that both farmer and labourer have been robbed, and have allowed themselves to be robbed, by interests engaged outside agriculture. To justify these wages this country should be making 50 per cent. greater profits than they could be making in Cambridgeshire, in the Garden of England, and we should be getting 50 per cent. more output. Has Deputy Johnson dealt with any of these facts? They will obtrude themselves whether we like them or not, and there are other facts that have to be dealt with also, whether we like them or not. There is no use in going up with our politicians and living in the clouds. The great non-productive occupation of Ireland at the present day is politics. I listened to the Governor-General's Address, and to Deputy Johnson's speech on it, and both struck me as having a great similarity—a lot of talk and very little said. I think the two speeches contained more platitudes than have been contained in any other two speeches. We know Deputy Johnson has the great knack of speaking a lot and saying very little.

**Mr. JOHNSON:** It takes a long time to reply to it at any rate.

**Mr. GOREY:** He said one thing, that "if we get more wages we will consider giving more output." Very good of him to consider it even.

The farmers have been held up as the great enemies of labour. They are

[Mr. Gorey.] nothing of the sort. It has been well established that the farmers are making no profits at present. The farmer who has to pay wages is running his business at a loss. The only man with a semblance of safety or stability is the man who is running his farm with very little labour, or with his own labour. That can be proved to any person who wishes to see the facts and figures. Nobody would dream of contrasting the income that is derived from farming at present with that of a primary teacher, or the average railwayman, or even the docker. Agriculturalists would be delighted at the present time if they had an income of 15/- per day. We would be solvent.

**Mr. JOHNSON:** We would be delighted if you had.

**Mr. GOREY:** We would not be threatened with bankruptcy. I might even mention the Civic Guard as our envy at the moment. That might be news to the Minister for Home Affairs.

**Mr. O'HIGGINS:** Are you thinking of joining?

**Mr. GOREY:** I am a bit too old. There was a time that I would. Most of all we envy the nicely-placed Government official. He is in a very happy position with a nice income, very short hours, and very little to do. I will not say whether he does it well or ill. If he pleases his Department he will have to please me, for the moment. When we get hold of the Departments it will be a different matter. One thing that Deputy Johnson said I do not think I can subscribe to. He was talking about men selling their produce in the best market, and of a labourer selling his labour in the best market. I quite agree that we should have all those best markets which should be open to the labourer as well as to everybody else who has anything to sell. But I do not think it should be open to anybody to intimidate his fellow man by force or even by combination to force opinions upon him. This is a matter for the Minister for Home Affairs. I have often asked about this question of picketing. I have never been able to get an answer because something or other has inter-

vened. I saw the Minister one day rising to give an answer, but he was stopped. I hope he will not be stopped now. We have no such thing as peaceful picketing practised. Picketing has been one of the greatest causes of disturbance in this country. If peaceful picketing is to be allowed, let it be peaceful picketing, and let us have it clearly defined. Let us know where peaceful picketing ends and intimidation begins. I have had some experience of strikes in the country, and I have been unable to distinguish this peaceful picketing. I do not think it exists at all. It is intimidation pure and simple, as it is carried out—gross intimidation. I do not think that Deputies on both Opposition Benches would attempt to contradict that. I do not think that any Government, especially a Government like ours, should allow any section of the community to paralyse the whole life of the nation. I think that the people of any nation having any regard for the things that are happening about them, would be foolish if they did not take to heart the lessons of those happenings. We have to compete in foreign markets with the people of other countries, and we had better recognise facts and keep our feet to the ground. It is a foolish gospel to preach that if we give more wages people will be able to buy more. It is foolish to preach that this country should isolate itself and take no notice of what is happening outside. We must take notice; we cannot be a world to ourselves. This is a country that is depending absolutely on outside trade. If we had not that outside trade we would not be here at all. We must take notice of what is happening in other countries and of how agricultural products are produced in other countries. We must take notice of wages, transit, output and other things that affect us. While we are living on this planet we must do as this planet does. If we do not, the only alternative is to go to a better one. If we want to retrieve our position, human effort must be as great in this country, if not greater, than in any other country. I agree with Deputy Johnson that there are too many people living on non-productive employments, or services, as he calls them. Politics



is the most pernicious and the greatest non-productive occupation there is at present. I will not say it is a service—I think dis-service would be better. If we thought more about the things that matter and less about keeping our heads in the clouds, we would do better. We should not be flying kites like the politicians—ladies and gentlemen—who are making a very good living apparently by doing nothing except going round the country preaching and creating turmoil. Our farmers have to compete in a market where income tax is less than it is here—that is when we can get to that market. It is the duty of the Government to see that we do get there.

I want to draw the attention of the Ministry to this question. All the liabilities of the agricultural community are at present owing to the nation. We owe income tax, indirectly we owe local taxation, annuities, money in lieu of rent, arrears and other things. If the Government cannot give us free and open channels for our trade, what is the position? It is our duty to discharge all the liabilities that we owe to the State. Has the Government discharged its duty? Let us consider the duty of the State to the citizens. It is the duty of the State to secure personal and economic liberty. There is no use talking of personal liberty if we cannot have economic liberty. There is no use talking to a man about what he can do if he has an empty stomach. If the citizen must discharge his duties, the State must discharge its duty, and I suggest seriously to the Government, that if there are any more strikes, or any more attempts to get hold of the key industries of the country, such as the ports and the railways, it is their duty to set up a State organisation which could be done and manned within twenty-four hours.

**Mr. O'HIGGINS:** Nationalisation?

**Mr. GOREY:** No, we will give our services voluntarily if the Government does its part. Commandeer the vessels and the railways and we will run them. The State has assumed the collection of these liabilities, and should therefore do its duty. The Minister for Agricul-

ture has talked about all these things, but he omitted the great fact that as the arteries of the nation were not open to the farmer, who it was stated was getting forty per cent. more for his produce, he was getting nothing at all. There is no use telling that to people when eggs, fowl, cattle, butter and pigs were held up—even the poor man's pig was held up. I know fishermen engaged in the South of Ireland whose boxes of salmon were left on the quays at Waterford until the fish were rotten. These men had to cease fishing because a few dictators held up the life of the country, and because the Government did not do the right thing. That may amuse some Deputies, but the Government did not do the right thing.

There is another question that I wish to deal with—the question of the dole. I know nothing more degrading in our national life than the giving of the dole. The chronic type of man it has bred makes a most undesirable citizen. I prefer to see every man out of employment given constructive work on roads, reclamation, forestry, drainage—anything at all—and pay him the equivalent of the dole for useful work. It would prevent men from becoming demoralised and would make them realise that they were doing something for the money they got. If I were to repeat some of the stories of the methods adopted in the country to qualify for the dole, I would occupy the time of the Dáil for hours. There should be no such thing as a dole. It is a most degrading and demoralising thing, and in its place something should be done towards providing work of a constructive character, such as road making. If reconstructive work was provided it would help to reclaim a man who has become almost a degenerate. The man who was in receipt of the dole two or three years ago, it will be found, is still in receipt of it, and will continue to look for it. Machinery should be set up to deal with this question. We want work for money. Nobody with any spirit wants a continuance of the present system. How to deal with the chronic individual who will not work—and there is such a man—I do not know. It would take an

[Mr. Gorey.]

Act of Parliament of forty or fifty sections to deal with that type. Railway rates have been mentioned and have been dealt with by Deputy Wilson. Contrast English and Irish railway rates, and what do you find? The trade of this country is hampered but not altogether by railway freights. I will give you a case in point. I bought five cattle recently in Tralee, which the Minister for Fisheries knows very well. I put the cattle on rail for Kilkenny, and when they reached Kilkenny I had to pay £6 8s. 7d. for the half-wagon. The actual result was that I owned four of the cattle, and that the railway company, or Deputy Davin's people owned the other animal.

**Mr. HOGAN:** Very cheap cattle!

**Mr. GOREY:** They were good Kerryes.

**Mr. HOGAN:** You had a good profit.

**Mr. GOREY:** Deputy Davin's people took one animal and I took the four others. That is what it amounted to.

The building trade has been referred to, but as Deputy Good dealt with it, and as I have already spoken on the subject, I will not pursue the matter. I want to talk about a question that concerns us in the country, and that is the maintenance of trunk roads. The trunk roads should be a State charge, and the sooner they are made one the better.

Twenty or thirty years ago the present system could be justified, but it cannot be justified now. The

6 o'clock. present system of locomotion and heavy motor traffic has revolutionised all that, and to do justice to the community all our trunk roads should be made by the State. I ask the Minister for Local Government to take a note of that. I do not know that he can act very well without the rest of the Cabinet, and in his absence I ask the rest of the Cabinet to take a note of it. I think, and all who think about the matter must agree with me, that our trunk roads should be made by the State and they ought to be made a State charge. Some Deputy referred to security for enterprise and security for brains. Is there any security for brains and enterprise in this country

at the moment? Very little. I think that this country is remarkable at the moment for insecurity for brains and insecurity for enterprise. One thing I will say here, and I think I may say it to the people outside, and it is meant for the people outside, that the nation as a whole has got into the spending habit. I have got into that habit myself; I am sure we have all got into the same habit. The big monies of the war years have not yet gone out of our heads. During the war, when profits were high and money was plentiful, we got into the habit of thinking in terms of pounds where we used to think in terms of shillings before. We have not got out of that, either in public Departments or private life yet. Neither individually nor as a State have we got out of the habit. The sooner we go back and think in terms of "bobs" instead of pounds the better. I remember the time when a shilling represented a lot to me. Our people in their private capacity must get back into thinking in terms of shillings and pence, and get out of their heads thinking in pounds and in fivers. Things are changed, and I hope I will set an example myself. I do not intend to back any dogs this year.

There is one thing that struck me particularly in this debate on the Address, and that is, some references that were made to the cause of strikes. Deputy Johnson told us that the employers were active agents in promoting strikes, and Deputy Davin said it was the profiteers that caused them. Well, between the employers and the profiteers I will leave it to them; but it is very funny that there are two divergent views on the Labour benches on this matter. Now which is it? Which is it, the employers or the profiteers? Deputy Davin said Irish freights are high and that Irish freights are killing Irish trade. What is the cause of high freights? What is the cause that our Irish railway companies have those high freights? Is it not because their running expenses must be balanced by their freight charges?

**Mr. JOHNSON:** No.

**Mr. GOREY:** My answer is that their system is run at too high a cost. I do not care what that is due to, whether

it is the Directors or whether it is to having too many men. See the different balance sheets of these railway companies. Do they show profits? Do they show a good business concern? Their balance sheets are there to peruse. There are too many high overhead charges on these railways. There is too much of the eight hours' day system in Ireland. Ireland cannot afford an eight hours' system on its railways. Again, we want to recognise facts and come to the bottom of things. I can understand an eight hours' system in England. I can understand it in big industrial centres here. But an eight hours' system applied down the provinces and down on rural lines is ridiculous. I do not think it could obtain in any country but this, a country that for the past few years has been remarkable for its madness. Deputy Davin is not right when he tells you it is the high freights charged by the railways. He has not put his finger on the evil. Our railway freights are caused by the eight hour system and the cost of labour. He did not tell us the cause of the high freights, but the sooner Deputies recognise that cause the better. If those railway companies cannot run their business on economic lines they must charge higher freights, they must put on higher passenger rates. This thing must be settled. Freights must come down and overhead charges must come down, and if they do not come down the railways cannot run. Now I think I occupied the Dáil long enough, and I want to finish, but when the Minister for Agriculture is making a speech again he ought to be mindful of all these facts and not be giving us some of the facts. When he talks about our obligations in the future and about what we owe to the State, and we do owe the State obligations, I hope he will be mindful of what the State owes us, and that we will have free transit, free markets, and free methods to get there.

**Mr. THOMAS NAGLE:** Deputy Gorey asked a request of Deputy Johnson. He wanted to know did Deputy Johnson include the farmers when he said the employers had done something to hamper the arrangements made. I do not know whether Deputy Johnson included the farmers or not, but I

would be willing to include them in a statement of that kind. I know quite well that the action of the farmers of Ireland in the past has certainly hampered agreements, and certainly prevented agreements being arrived at.

**Mr. GOREY:** May I ask if they broke any bowls of farmers' separators?

**Mr. NAGLE:** We will deal with that later. Deputy Gorey now talks about the necessity for economising, and incidentally mentions that during the war years profits were high and money plentiful. Now in speaking of the fact that profits were high and money plentiful, the Chairman of the Farmers' Party makes an admission. I know of very many cases in the south of Ireland where there were some farmers who had large profits, and plenty of money, and who refused, until they were compelled by the British Courts and the R.I.C., to pay the then legal minimum wage that had been established by the Wages Board. I have one or two instances in my mind at the present time of which Deputy Gorey might know more about than I do. I remember attending a meeting of the farmers attached to the Mullinavat Branch of the Farmers' Union, and they admitted that they had not paid their labourers the minimum wage. They claimed that they did not intend to pay them, and that they would do their very best to avoid having to pay the legal minimum wage. Now that one instance alone is one of many, and it proves conclusively to me that the farmers as employers did something by their action then to prevent agreements being arrived at in the future. Because when men are forced to compel others to deal fairly with them, they are very chary of entering into agreements, knowing that the others would avail of every opportunity to break them.

**Mr. GOREY:** Did they break the agreement at Mullinavat?

**Mr. NAGLE:** They did, of course.

**Mr. GOREY:** They never did, and they never will.

**Mr. NAGLE:** The Deputy talks about output, and incidentally mentioned the eight hours day. If the farm

[Mr. Nagle.]

labourers in the past did not give a good output, God alone knows who did, because, until comparatively recent years, farm labourers used to work from daylight until dark, and very often they worked during the dark hours. The wages they were paid in return for the long hours they worked were very low indeed. The labourer then would not require to imbibe very much of Guinness' stout, even at the old price, in order to get rid of all he would have to spend at the end of the week. Deputy Baxter talked about the closing of the ports, and he wanted to know who is to blame. He did not suggest that anyone was to blame. Deputy Gorey suggested that the workers were to blame because they went on strike. For the benefit of Deputy Baxter and Deputy Gorey, and others who think like them, let me explain the position of the workers then, and on all occasions, when they go on strike.

The workers who work for wages have a certain commodity to sell, just the same as the farmers have certain commodities to dispose of at fairs or markets. The workers have their labour powers and their abilities as workers. If they cannot get the price they demand at a particular time, and they refuse to sell, they refuse to sell by going on strike. It was suggested by farmer Deputies that the Government should compel them to work.

**Mr. GOREY:** Nothing of the sort.

**Mr. NAGLE:** If that were done by the Government, it would be equally sensible to ask the Government to compel farmers to sell cattle at whatever prices would be prevailing, rather than that they should bring back the cattle to their homes because they might be dissatisfied with the prices offered.

**Mr. GOREY:** On a point of personal explanation, I never suggested that the Government should take sides for or against any party. I suggested they should keep the ports and traffic channels open and let these people fight it out amongst themselves.

**Mr. NAGLE:** It amounts to practically the same thing. I was very interested in the statement of the Minis-

ter for Agriculture regarding the reasons for the bad conditions of the farming community at present. He pointed out certain things that can be done to improve those conditions. About two years ago, and for some time before that, I remember attending very many meetings of branches of the Farmers' Union in the South of Ireland, and at those meetings complaints were made about the small prices farmers were getting for potatoes, milk, oats, cattle and other things they had to sell. I suggested on a number of occasions that if they brought their commodities, which they sold for consumption in Ireland, and sold them direct to the consumers, they would be able to sell them at a smaller price than the consumers were then paying, and at the same time they would get a larger price than they themselves were getting. Then they would be able to pay the agricultural labourer more decently and have a larger profit themselves.

In practically all instances where we discussed those things, the farmers agreed it was a way out of some of their difficulties, but in no case, however, did they take practical steps to get out of those difficulties. One individual had a rather peculiar objection; he wanted to know if they adopted a system of co-operatively marketing the goods they produced, what would become of the poor shop-keepers. I told him I did not care what would become of the poor shopkeepers. I think the same attitude should be adopted here in Dublin. I quite agree with the suggestion of the Minister for Agriculture that milk should be sold direct in Dublin. I can understand that the farmers would get more than they get at present, and at the same time the people in the city would get a better quality of milk at a considerably reduced price. I go further and I say that all the fruit and vegetables and other things that are produced on the farms and sold to citizens in Dublin, Cork and elsewhere should be sold direct from a large store by a co-operative organisation of the farmers and farm labourers who produce those things.

Deputy Good mentioned something about wages in the building trades, and he compared Deputy Johnson's figures as between Copenhagen and

Dublin. He admitted the wages in Copenhagen were about equal to the Dublin wages, and he pointed out that in Dublin there was a greater increase on the pre-war wage than there had been in Copenhagen. He argued from that that the wages in the Dublin building trades should now come down. Deputy Gorey suggested that the Minister for Agriculture presented the facts he had in a way to suit his own case. We all do things like that. Deputy Good argues that because the Dublin workers in the building trades have had a greater percentage of increase in wages than the workers in Copenhagen, they are now due for a reduction. I argue they are due for a continuance of their present wages, longer even than the Copenhagen workers, in order to make up for the comparatively smaller wages they had in pre-war days. Deputy Good agreed there should be more co-operation between employers and employees, and he stated that in April a request was made by the Dublin Master Builders' Association to get a conference with representatives of the workers in the building trades with the object of bringing down wages, and that the workers refused to go into the conference. The Deputy appears to think that that was wrong on their part. I think they were right and perfectly justified.

If the organised workers suggested to a group of employers that they wanted a conference to consider the question of increasing wages, if the employers thought they were in a good position to ignore the request, they would not have a conference. If Deputy Good and the members of the Master Builders' Association had asked a Conference to consider the whole question of the building trades and its relationship, say, to the production of houses for Dublin citizens; if they stated they were willing to allow some people, accountants or technical experts, to consult with representatives of both parties, and if they would be willing to consider the whole question regarding output and wages and profits as related to the present housing shortage, and to make some sacrifices, if necessary, on condition that the others would make sacrifices in the

interests of housing the people of Dublin, then I have not the slightest doubt the men in the building trades would enter the conference. I have no doubt those men would have little respect for themselves if they openly walked into a conference to have their wages reduced without they or some one else getting some return. We have not heard very much about the price of building materials now as compared with 1914, although we heard a lot about wages in the building trades.

We do not know exactly what profits are made in the distribution of building materials. Some of the building contractors in Dublin and elsewhere are also financially interested in some of the firms that import building materials, and I can quite conceive, if I was in the same position, that I would not like the profits of these firms to be reduced, even though by reducing their profits I might make more as a building contractor. No doubt it would be the same to me so long as I made it in the aggregate. The Minister for Agriculture suggested that we should discuss all the points—not merely the points in which we are directly interested, but all the points, from the employers' side as well as our own. I think if the employers in the building trade want a reduction in wages they should be willing to put all their cards on the table and to submit their books to examination, together with a full account of their profits. Another Deputy talked about the wages paid to the building trade in Dublin and in Ireland and England, and in the different towns in Ireland, and he suggested that the building contractors in Dublin could not compete with building contractors elsewhere, simply because the building contractors elsewhere are paying a lesser rate of wages. I understand—of course, I am open to correction if I am wrong—that in the early part of 1921 Deputy Good carried out a fair-sized contract in Cork City, and that on that occasion the wages paid in Cork City were less than the wages paid to similar tradesmen in Dublin City. I used this as an argument on one occasion against a reduction of the building trade wages in Cork City. I pointed out it was not so much a difference in wages that existed as a difference in methods, and

[Mr. Nagle.]  
that Dublin firms had to pay more because of different methods, and therefore that you could not blame the wages in Dublin being higher than in Cork.

The Minister for Agriculture talked about the wages of distributive trades, and he said that most of the distributive workers and employers in the country were really a burden upon the agricultural community. Now, I have some figures here regarding the costs in the distributive trade, and in the first instance I would like to mention that, for every 100/- spent by the wage-earning family on household requirements, about 60/- is expended on goods not produced in Ireland. An average of about 5/6 is paid for rent, leaving about 34/6 as the amount expended on goods produced in Ireland. Of 60/- expended on goods imported, the wages paid for their transport and preparation (that is, bread from imported flour) and distribution, will account for not more than 20/—probably considerably less. Of the 34/6 spent on goods produced in Ireland, almost wholly for food-stuffs—that is, beef, mutton, bacon, eggs, milk, potatoes—the wages paid to employed labour in their production and distribution will absorb not more than 10/-. The maximum amount spent as wages in Ireland for their production and distribution amounts to about 30/-. If the men employed in this work were to consent to work for nothing, if there had been discovered a mechanical automatic man who could live without food, and if the whole of the saving were handed over to the consumer in lower prices—an assumption not warranted by precedent—the goods which the working man's household now purchases at a cost of 100/- would be reduced only to 70/-. Suppose that it were possible to enforce a general all-round reduction in wages of 20 per cent., what would be the effect upon the working man's family budget? Hitherto the man who has been paid £4 a week in wages and has spent that £4 in the manner of the average family expenditure, as shown in the Cost of Living Report, 20 per cent. reduction would find his wages reduced by 16/-, that is, to 64/-.

Assuming, further, that all the sav-

ing in wages were handed on to the consumer by the lowering of the retail prices, 20 per cent. taken off wages would secure a reduction in prices of only six per cent.; that is one-fifth of thirty per cent. In other words, the goods which hitherto cost eighty shillings could then be obtained for 75/3. Unfortunately the workman who could hitherto purchase 80/- worth of goods with 80/- wages, would then have only 64/- in wages to purchase the 75/3 worth of goods. A reduction of money wages of 16/- leaves him worse off in real wages by 11/3. In other words, the purchasing power of his wages has fallen 14 per cent.

Now, that proves, to me, at any rate, that a reduction in wages will not give a reduction in proportion to the cost of living, and most of the employers who have been talking about a need for a reduction of wages recently are claiming that they must be reduced in order to reduce the cost of living. Now, the workers have resisted these wage cuts as much as they possibly can, and they intend to continue resisting these wage cuts. They do not claim they are not responsible for the conduct of the employers in this country. So long as the employers were able to carry on their industry and make their profits, they did so without consulting the workers, and were always willing to do so, and the workers claim now, when the employers find themselves in a tight place, they want the workers to come along and help them out, but the workers are not justified in making any sacrifices in helping them out. But I say this for the workers; if the whole question were thoroughly gone into, and it was decided by agreement between the propertied classes and the employers on the one side, and the non-propertied classes and the workers on the other, that a return should be given to the people of this country in proportion to the services they render in producing the necessities and the luxuries of life for the country, then I say that the working classes and those who are responsible for the organised working classes in this country, would be quite willing to abide by any agreement arrived at on those lines, but they are certainly not going to make any sacri-

fices in having a reduction of wages, so long as they see that that reduction is to go to swell the profits of any set of employers in this country. But, on the other hand, if it is to be a question of co-operation between all parties, with equal sacrifices and equal rewards in proportion for services rendered, then I say that the workers are willing to do anything that it is possible to do to bring about stable conditions in this country.

**Mr. CONLAN:** I agree with Deputy Gorey, when he says that the speech of the Minister for Agriculture was an interesting one. I think, however, it might have been more sympathetic. Another thing that struck me in the course of the debate was this: the remarkable exodus of the Government's supporters from the Government benches during the time when this most important subject was being debated, the most important subject which has come before the Dáil since it opened in the present Session. I understand that many of these supporters of the Government belong to the despised class known as the farmers, and whether they are trying to conceal their identity, or whether the cold chain of silence has been flung over them, and that they are, perforce, bound to remain inarticulate whilst a question so closely affecting their own interests is being debated, I do not know. Passing from that, I propose to give some figures in reply to those which we have had from the Minister of Agriculture. He stated that prices for agricultural produce, as compared with pre-war prices, were 40 per cent. in excess. I think that that was altogether an exaggerated estimate. I find from transactions, which I can vouch for as being made personally by myself, that in pre-war days the price of beef per cwt., live weight, was 35s.; at present the price for very prime qualities is 42s., and for secondary sorts the prices range from 35s. to 38s. Barley, pre-war, was 16s. per barrel, and at present the selling price is from 18s. to 20s.; oats, pre-war, realised about 12s. per barrel, and about the same price is being paid to-day; wool was 1s. per lb. before the war, and it is much the same price at

present. At present milk is quoted at 10d. per gallon.

**Mr. HOGAN:** Could you give us the price for mutton?

**Mr. CONLAN:** I do not think I could give the exact figure for mutton, because it is not sold by weight, but the sheep are sold at so much a head, and it is difficult, without having access to market returns, to show what the price of mutton is. Probably mutton is something dearer than beef, in proportion.

**Mr. HOGAN:** Beef is 45 per cent. higher, and mutton 70 per cent.

**Mr. CONLAN:** I do not quite agree with the Minister in that figure.

**Mr. GOREY:** The Minister is a mutton farmer, and he knows.

**Mr. DARRELL FIGGIS:** Does Deputy Gorey suggest that the Minister is minding his own muttons?

**Mr. CONLAN:** There is practically no change in the price of milk as compared with pre-war. A neighbour of mine is delivering fresh milk, free on rail, at 9d. per gallon to the Lucan Dairy Company. What the Lucan Dairy people charge for the milk, when they retail it, I do not know; but probably, as the Minister for Agriculture said, they charge about 2s. 6d. per gallon. Horses have gone down in price about 100 per cent., and probably more. I heard of a farmer at a fair a couple of days ago who was offered only £1 for a fairly decent animal.

With regard to the steps suggested to be taken by the Minister for Agriculture to meet the situation with a view to reducing the cost of living, these steps might be effected near large centres such as Dublin, where the populace, and the poor people especially, are suffering so much from the extortion of prices at the instance of vendors and middlemen. But, taking the situation in the country at large, I do not think the steps proposed to be taken by the Minister would provide an effective remedy. I think the Minister will have to take more heroic measures. We see at present that the great Conservative Party in England is going to the polls on the question of Protection, and that

[Mr. Conlan.]

it is offering the farmers in England eleven million pounds, or at the rate of £1 per acre for every acre of agricultural land. We have seen that the Government in Northern Ireland, in the Six Counties, is allocating £128,000 in aid of agricultural rates. Unfortunately, we have got nothing like that from our own Government, and, as everybody knows, the local rates especially are most oppressive. The Minister has put down the increase at 150 per cent. in the amount of rates. So far as I am aware, the figure is very much higher in certain counties. Certainly, in the County Kildare the rate is 9/6 in the pound, and the local rates fixed by the County Council have jumped up from £32,000 to £72,000 per annum.

With very large claims for income tax coming after that, it is easy to understand that in a season like the present, when the farmer has so much difficulty in disposing of his produce, even at the present depressed prices, how hard it is for him to meet his engagements, much harder than it has been for him at any period within the last 20 years. Men who are lucky enough to have some capital or money laid by have been living on their capital, but the unfortunate people who have no capital have gone back again to the old position they were in years ago of pulling the devil by the tail. I hope that the Government will consider this question carefully. It has been asserted, and admitted on all hands, that the industry of agriculture is practically the sole one that we have, and if that goes down the rest of the country goes down as a matter of course.

**Sir JAMES CRAIG:** This debate has dragged along to a very inordinate extent, but I do not propose to occupy the time of the Dáil very long. I desire, at the outset, to congratulate the Minister for Agriculture on the clear way in which he approached this subject. On the question of the cost of living, I think he went further than was indicated in the Governor-General's speech, because I gathered from that speech that the Government only meant to hold the ring, but the Minister in his speech to-day went further and suggested that the Government may have to step

in. More than a year ago I gave some figures which corresponded almost exactly with the figures given by the Minister to-day. I stated at the time something about the prices of different articles. I also said that a Commission on Prices would not be very effective and would not do much good, and that turned out to be the case. A Commission on Prices was set up, and I can say that I spent more time in connection with the work of that Commission than I have ever spent on anything in my life. There was very little result from that Commission. I had hoped that, perhaps, the Commission on Prices Report would be discussed here at some time, so that some of us might be able to give an expression of opinion with regard to matters that cropped up during the sittings of the Commission. I regret to say that prices are practically the same to-day as what they were at the time that we discussed the appointment of that Commission.

There is one point that I want to lay particular stress on. It was alluded to by the Minister for Agriculture, and also by the Deputy here on my left. I refer to the price charged for milk. There is no doubt whatever that milk can be delivered at Amiens Street or Westland Row station at 1/- per gallon. That does not say that the poor farmer who produces it gets a 1/-; he only gets 9d. or 10d. per gallon after paying the cost of sending it on rail to Dublin. The point is that the milk is retailed in Dublin at 2/8 per gallon, or 8d. per quart in the majority of cases when distributed through the city. It was stated at the Commission on Prices that the cost of distribution was 2d. per quart. After the distributor of the milk pays 3d. per quart for the milk, and puts 2d. per quart on for its distribution, he still has more of a profit than the farmer who produces the milk. I hope, in particular, that this question of the milk supply will be taken up by the Government, because the Commission on Prices recommended that a second Commission should be appointed with power to compel people to give evidence, which we on the original Commission were not able to get. I would like just for a moment to refer to the question



of porter and stout. It is an extraordinary thing to find that a half-pint of stout can be supplied in a glass for 6d., and that when that half-pint is put into a bottle and poured out into a glass, a person has to pay 8d. for it. Of course, in the meantime a cork has been put into the bottle, and I suppose the 2d. extra is charged for the price of the cork and the putting in of it. There were other figures put before us which I would be very pleased to put before the Dáil, but I do not desire to take up the time of Deputies with them at the moment.

I must say that the evidence given to us by the publicans was disgraceful, and the greater part of it was quite untrue. As regards the question of cabbage, I was particularly interested in that from the point of view of food, because it is most essential to the life of children that they should be supplied with fresh vegetables. Cabbage bought at ½d. a piece in the market, cost the consumer 2d. in the majority of cases. At all events we had evidence, and you could get evidence if you go to the market, that 60 dozen of cabbage for which the producer is paid from 15/- to 17/6., the consumer will pay from £8 to £10.

As regards coal, evidence was given of the extraordinarily extravagant price which the poor people have to pay for coal by buying it by the stone or sack. We could get no help from the coal merchants on that matter. Deputy Good has stated that these are matters which should be inquired into, but the people who represent the commercial interests would give us no help in the matter. One gentleman came and the only thing he stated was that there was no ring to keep up the present prices, but I do not think that anybody believed him. He would give no information as to the price of coal at the pit mouth or any information that would help us to find out whether there was an excessive profit on coal when it was distributed. I, therefore, have listened with great interest to the speech of the Minister for Agriculture and I hope the Government will not allow the matter to slide without further inquiry.

**Mr. M. DOYLE:** I was pleased to

hear the expressions of the Minister for Agriculture regarding agriculture and the curtailing of profiteering which is going on at present. To my mind a lot of party bickering has been introduced into the debate within the last hour or two, and I do not think that this bickering will be conducive to carrying out the measures laid down by the Minister to try and combat profiteering and reduce the prices in the fashion he contemplated. I hope that this scheme of mutual consent and good will on all sides will be a success, but I have the gravest reasons to doubt it. The profiteers will not be as easily got into this scheme of mutual consent as the Minister believes. I do not see anything for it except the Government stepping in, as the Minister said they would do, if mutual goodwill proved a failure. The key industry of the country must not be let down, as the Minister said, not even if the Government should step in. It will be incumbent on the Government to step in because this mutual goodwill to which the Minister has alluded will not, in my opinion, ever materialise. We all know the royal time that everyone has had out of the products of farming for the past two or three years, except the farmer himself. Distribution of prices is one of the real grievances and causes of depression in agriculture at present. The farmer and agricultural labourer are not getting what will pay their way, or even what will pay their debts, out of the industry—they who are putting their sweat and toil into the production of these articles. Take the brewer—what is he reaping from the industry? He is reaping such profits that he does not know how to dispose of them. Take the man who follows him—the retailer in Dublin or the provinces. These people can afford to pay from £18,000 to £20,000 for retail houses. They are not doing that from a philanthropic point of view, but rather from a profitable point of view so as to make still more money out of the products of the farmer and the agricultural labourer. If we had these prices distributed fairly, as they should be, between the producer, the man who manufactured the product and who puts it on the market, and the other people we would be fairly well off and

[Mr. M. Doyle.]  
in a much better position than we are. I fear the Government must step in, as this mutual goodwill business will not do anything for us. The sooner the Minister for Agriculture sees his way to put into operation clause 14 of the Governor-General's speech and brings in legislation the better. This is the only ameliorative clause in the whole speech as far as agriculture is concerned. I will be pleased to see the Government and the Minister do that. If the mutual goodwill business is not a success they should bring this measure in at once.

**Mr. CORISH:** As this debate has been long drawn out, my contribution to it will be small. The Governor-General's speech deals with the question of unemployment. I think the Deputies who were members of the last Dáil will be familiar with the phrase of ex-Deputy Whelehan in introducing the late unemployment measure. I think it is agreed that the Unemployment Act was passed on the assumption that trade would have improved in the month of August. So far as I can see, the functions and implications of this Act prevent genuine workers from receiving unemployment benefit. I am not here to advocate the dole system or that any but bona fide workers should receive unemployment benefit. This is how the workers are affected by the present Act. A man would have to have twelve weeks employment during the last benefit year to entitle him to draw benefit. In the case of Wexford town I can tell how it operates. The Unemployment Act came into operation in 1912. From that period to 1920 the men in Pierce's foundry, which employs anything from 600 to 800, were working constantly, and had stamped cards for all that period. Now, because trade has been bad for the last two years, the majority of these men who are walking the streets, but who are genuine workers, are disqualified from drawing benefit under this Act. I would like to know from the Minister for Industry and Commerce if he intends to amend that Act so that genuine workers who cannot procure work would receive some relief.

In England and Northern Ireland at

the moment, I understand, the dole system, as it was introduced in 1918, is still in existence. As a matter of fact, the Ministry of Labour in the Northern Government has done away with the gap system altogether, so the men in Northern Ireland draw continuous benefit. I know economy must be practised in the Free State, but everyone will admit that a genuine worker in time of stress should receive some consideration from the State, especially when he has contributed for at least 8 years. In the same paragraph in the Governor-General's speech the question of housing is mentioned, and I have listened with great attention to the speeches of Deputies Gorey and Good on this important question. I believe it is necessary that there should be a general understanding between the workers and the contractors of the Free State in order to solve this important matter in the building trade. I hope in the near future that the Government will endeavour to bring the different interests together, with a view to going into the whole thing, and approaching the question as an economic problem. This is the only way to get a great number of houses built in this country. I would ask for a statement from the Minister for Industry and Commerce, or a representative, as to what the intentions of the Government are regarding the genuine worker, and also the housing question.

**SEÁN MAC GIBÉIN:** O's rud é gur ab é seo an céad am a táim chun labhairt annso, tá súil agam ná thuitfidh ar chluasa bodhra. Tá cúpla focal lé rádh agam ar an dtalamh agus ar na boithre iarainn agus ní comeádfhad i bhfad sibh.

Such Deputies as have just preceded me have truly said that this debate has dragged its weary length along. I am not going to carry on that debate unduly. The many instructive speeches on the Governor-General's Address convey to me, at least, that all sections of the community must be willing to bear their fair share of the inevitable sacrifice if the large task of the desideratum of the economic equilibrium is to be restored and established. A Deputy from the Farmers' benches a few moments ago castigated unworthily and

unnecessarily those who represent Cumann na nGaedheal and particularly farmer Deputies who sit in the Government benches. There are in Cumann na nGaedheal many farmers, and I happen to be one of these. While I subscribe to the National question as being of more importance than any class interest, I yield to no one in the interests of the community to which I belong.

I had intended referring at length and going into detail on many matters arising out of the Governor-General's Address, but it is unnecessary for me now, particularly after the summary of the Minister for Agriculture, and the speeches of the farmer Deputies. However, I wish briefly to refer to a few matters. His Excellency foreshadows in his speech to the Dáil legislative proposals dealing with agriculture, and with the re-organisation of our railway systems. I couple agriculture and railways because they are, or should be, closely linked. His Excellency invites our attention to the establishment of a national brand for butter of high standard, to the question of grading of eggs, and the improvement of breeds of cattle. These are all matters of interest. But, comparatively, they are, at the moment, trifles. I ask all parties in the Dáil to consider the present position of the farmer—I mean the working farmer—he who represents the stability, security, thrift, industry, and progress in the community. He is carrying on through the existing depression by drawing on little savings of the past, and notwithstanding the statement of the Minister for Agriculture I say the small farmer is in a more pitiful plight than the large one. He has nothing in the way of capital to draw on. His reserves are eaten up and are non-existent, and he is falling into the hands of the gombeen man. For him the rainy day, so to speak, has come, and as far as one can see it is likely to be, like the proverbial Scotch mist, of prolonged duration. Whatever may be said of farming, good, bad and indifferent, agriculture is our chief industry. For the past two years it has not been a paying proposition; and with the development of Canadian and other resources, it may not become a

paying proposition for many a day. How are we to assist? Associated with this question of agriculture is the question of emigration. Well, there are hundreds of thousands of young persons in the country awaiting the opportunity of emigrating. Agriculture, with its present gloomy outlook, has no attraction for them. Gentlemen, is it not possible to make it more attractive, and at once? To this end, could not the Government begin at once by cheapening transport? We have one of the costliest systems of transport in the world. Our railways are controlled privately; they are out of the track of trade, and our principal port would appear to be controlled by reactionaries. This question of transit affects farming interests vitally.

A gentleman giving evidence before the Railway Commission in 1907 stated:

"Irish farmers, traders, 7 o'clock. and manufacturers are not only afflicted with rates that are exceptionally high, but they are also made to suffer from an iniquitous system of preferential rates, and the spectacle is daily presented of meat from America, dairy produce from Denmark, fruit and vegetables from France, and manufactured goods from Belgium and Germany, being dumped down in Irish markets at half, and sometimes less than a third of the freight charges our own manufacturers have to pay. It was, I believe, stated before the Railway Commission that goods are frequently shipped from the Eastern Seaboard to English and Scottish ports, and thence back to Ireland, for transit to inland towns, in order to get the benefit of through English rates."

Does that condition of things continue to exist? Even if it continues in a modified form, how are Irish farmers to be compensated for this unfair trading disability? While indulging in no spirit of fault-finding with the Governor-General's Speech, I suggest that this question of transit, with its preferential through rates adverse to Irish farming interests, should be investigated thoroughly and at once, by men of broad vision, whose minds have not been narrowed by the practices associated with red-tape or official routine.

[Seán Mac Giobáin.]

Such vision would approach vested interests in the proper spirit and suggest measures for raising agricultural interests from the slough of despond in which they at present unfortunately lie.

Another matter arising by implication out of the Governor-General's Address is that of profiteering—a matter of supreme importance to the producer, the consumer and the community at large. The subject of profiteering is not so simple as it appears at first sight. To attack it is to win applause, but to attack it ignorantly is to prolong its existence. It touches economics and morality. It makes alike for wealth and poverty. There are profiteers and profiteers. There is the man who simply battens on the public; and the man who sells at what his own conscience tells him is a reasonable profit. It is clear, then that this subject of profiteering demands very straight thinking. In my opinion the first essential step is to denounce it definitely. It would take ten hours, not ten minutes, to deal adequately with so comprehensive a subject as profiteering. I must confine my remarks to a few broad aspects. There is a well-known motor car on the market. It is called the Dodge. People journeying up and down the country have noticed artful greengrocers flashing by in these luxurious conveyances. The green producer has, however, to be content with the ass and cart. Slightly altered, the old rhyme would go near to mirroring the position:—

“ There was an old prophecy found in  
a Dodge,  
That Ireland would be ruled by an  
Ass and a Dodge,  
Now, that old prophecy has come to  
pass,  
The Profiteer is the Dodge, the Pro-  
ducer the Ass.”

I shall omit all reference to inflation and deflation of currency as they affect prices. I will not deal with the intricacies of credit. I shall content myself by stating that a few weeks ago I saw butter sold by farmers at 8d. and 10d. a lb. which was subsequently sold in Dublin shops at 2/- a lb. Eggs sold locally at 8d. a dozen were retailed at

2/1. Cabbages sold by the producer at 1d. per head were sold to slum dwellers at 5d. and 6d. a head. In one case that I know of personally a man sold cabbage to a shopkeeper, leaving him to fix the price, which he did after consultation with a neighbouring greengrocer, at 1d. a head, and it came to pass that the man who produced that had to purchase a head, and he bought back one of his own for 3d. I am aware of the existence of a multiplication of profits, commodities changing hands four or five times. I know something of the relatively high cost of rail transport. Incidentally, I might remark that the Postmaster-General might do something in the matter of cheapening food through a development of the Parcels Post system. But transport has nothing to do with an example of profiteering which I shall cite for you. A friend of mine smokes a brand of tobacco called “ Warlock.” The name may be a little suggestive, but the brand is good—suitable to the climate and to his palate. He has purchased this tobacco in different shops in the City of Dublin. It is 1/1 an ounce in Dame Street, 1/2 in Grafton Street, 10½d. in Drumecondra and 1/4 in Clontarf. Perhaps the sensitive nostrils of Clontarf may have decided to expunge from their respectable atmosphere; or maybe the historians of that classic locality—perhaps Deputy Figgis could give us some information about this—might have discovered that “ Warlock ” was used as poison-gas by the soldiers of Brian Boru; but whatever the reason, the Profiteering is ever the reason, the profiteering is from “ Warlock ” to Bar-stock. We have heard a good deal about Guinness's stout. A number of instructive figures were given in connection with beer and stout, as well as other matters, by Deputy Davin last evening, in his very interesting contribution to this debate. Deputy Davin, in his references to this specific matter, took in the barley-grower. I can congratulate him, and I say that his ideas, as well as his experience, with regard to his constituents and mine, coincide. A bottle of Guinness's stout can be purchased in any town in the South of Ireland for 6d. In Dublin it costs 8d. Why? Grocers' assistants are paid at a uni-

form trade union rate of wages. I have it on good authority that a trader in the City of Dublin paid £10,000 for a licensed house, and he cleared it in two years. He pays £45 in Income Tax, and I suppose he has a grievance that he should have to pay so much. I have not really touched the fringe of the subject. My intention was to throw out a few suggestive remarks. I think it would be a good thing to demonstrate to the public what are reasonable prices. And in this connection, I would suggest the formation of a Central Costings Committee—independent of Government—a Committee which would publish weekly in the public Press reasonable prices for the necessary commodities. As the work of such Committee developed, gross profiteering would, in my opinion, inevitably decline. This is a matter which might be taken up rather seriously. It was a great success in England, I believe. Perhaps Deputy Johnson would see the import of that suggestion.

The economic fabric threatens to topple over. The country may find itself amongst the ruins. The apparent apathy of the people may be short-lived; and we must not forget that we are really the servants of the people, not of the few who happen to be socially or financially or politically important at the moment, but of the whole people. I have no patience with men who rely on formula, or who seek to take advantage of the prevailing apathy. There are burning questions awaiting solution, and if we are to paint the optimistic picture of the Governor-General's imagination we must tackle them honestly, efficiently and above all, justly and immediately.

**Mrs. COLLINS O'DRISCOLL:** I am quite sure that none of the Deputies wish this debate to develop into something like Tennyson's brook, which is going on for ever. Therefore my contribution to the debate is to move that the Motion before the Dáil be now put.

**Professor MAGENNIS:** On a point of order, was not the Motion moved by a Minister, and can a private Deputy move that the question be now put?

**Mr. C. M. BYRNE:** It was not moved by a Minister.

**AN LEAS-CHEANN COMHAIRLE:** No, it was not moved by a Minister.

**Mr. P. McKENNA:** I will not delay the Dáil very long, but there are a few points I wish to draw attention to, one of which is the delay in the payment of claims for compensation for malicious injuries. This is causing great inconvenience. Pre-Truce cases with decrees for the destruction of property, or perhaps for the loss of a bread-winner, are still unsettled, and I have had a letter to-day from a constituent of mine who is a member of the Dáil and whose father's place was burned down. A number of cases around him have been settled, and I would not like that any victimisation would take place in cases like that. I would like the Minister for Home Affairs to see into such cases. I am one of those who, as far as the future of the country is concerned, am a pessimist until we have political and industrial peace restored, and I was surprised and disappointed at the firm attitude taken by the Minister for Home Affairs.

I have never been a believer in the rule of the gun, and consequently I can appeal to both sides in this dispute more confidently. I would appeal to the old Republican Party to look at the stricken and paralysed condition of the country, and I appeal to the responsible leaders to give an assurance to the people that so far as they are concerned the rifle and the revolver are for ever banished from Irish life. I would further appeal to the Government to release all the men who will not be tried for crime. Most undoubtedly the 44 men elected to the Dáil should be allowed to meet and discuss the new situation that has arisen as a result of the elections. I think that is only fair, but I do not like to see members of the Government adopting a very aggressive and stern attitude as they are in this particular case. We have had experience of the history of our country. We are a peculiar people; we are led but will not be driven. We saw that in the past. It was tried by Cromwell and Greenwood, and are we going to adopt

[Mr. P. McKenna.] these tactics here again? It is all very fine talking about burnings and that sort of thing, but we must have some commonsense, and recognise the fact that young boys were sworn by their leaders, both political and religious, as Republicans. We are told that these people now up in arms against the State are post-Truce men. Well, who set the example? After all the seed was sown, and now we are reaping the whirlwind. For that reason we must recognise the fact that a good deal of allowance must be made for young men who got into this movement in the belief that they were about to achieve a Republic, without partition. I honestly believe that these men are as good Irishmen as any in this assembly, or in any part of the country, but they have been blindly led.

If we could arrive at some settlement and stop this internecine strife, we might have peace and progress. It is a sad state of affairs that in a country like this you have no big man to step out, Churchman or layman, to make these warring sections shake hands and work for the future development of the country. In the past, as the Minister for Defence said some time ago in the Dáil, we had some big men to look up to, but evidently now we have nobody, and it is a war to the death. It is very hard oftentimes to speak in measured tones when you see men in the country who should live in peace and friendship instead filled with bitterness, and with sarcasm spoken by people who were brothers a few days ago, and who would now tear each other like wild beasts if they got at each other in battle. That must be put down, and we must try, if we want to advance our material interests, to act like other countries. We are the laughing stock of the world, and nobody will deny that. There is no use speaking in a *sotto voce* kind of voice, but we must speak out boldly. The majority of the people are disgusted with this business. I have a fair knowledge of the country, and a good bureau of information in the people I am interested in who go through the country, and they are fed up with both sides. For that reason some steps should be taken to end this trouble. Seven months ago these people

said they were not going to fight any more, and if they resume this war, no one will sympathise with them. I believe in stable Government and security for property, and anything that a good Government believes in, but I do not believe in iron rule and the iron fist in dealing with men with peculiar characteristics as a race, separate and distinct from all other nations. The British got out and were glad to do so, but we are going on with their old tactics. I have been approached by different parties. I have been approached by the other side and I have told them I believe in constitutional policy, and if they are prepared to act constitutionally, they are as well entitled to preach Republicanism from the hilltops as I am to preach Free Stateism or farmerism.

With reference to the talk about using the axe, there is an item in the Estimates for the Stationery Office which appears to be very high, a sum of £205,000. There is a charge of 10/- for that Estimate in the Publishers Office. The people of the country are all shareholders in the Nation's fortunes, and this book of a couple of hundred pages, about the same size as an ordinary Railway Guide, which you can buy for a few pence, is charged 10/- for to the ordinary citizen. Is it to prevent them seeing the affairs that are the concern of the country that this big price is put on this book? I think whoever is responsible in that Department should have put it within easy reach of the people at a low figure. Yesterday the President took to task some Deputy who had the temerity to protest against the heavy cost of the army, and who gave a comparison of the cost of the army here and in other countries.

I am one of the Deputies who have been so greatly daring as to express in words what is in the minds of thousands of people. Our army is costing, according to the Estimates, £10,600,000, or £3 for every man, woman and child in the Free State. That is a huge sum, and it may be academic to compare it with the cost of armies in other countries, but here is a concrete case. It is costing more than double the rental and annuities for the whole Free State. So far as I am concerned, I do not see

what we want with a huge army. I would like to see the Government aim at producing such a state of affairs that we could do with a small army. What do we want with artillery and aeroplanes, or anything like that, in a small country such as ours? If we need an Army, our military leaders must not go around in Rolls-Royce luxury as they have been. As regards railway freights, that is a very important matter for the live-stock trade and those of the farming community. I am surprised that some action was not taken sooner by the Government in this matter. They have delayed too long, and a good deal of traffic has been diverted through the North of Ireland from the port of Dublin and other ports. The North of Ireland reduced their rates, and got through bookings, and were the first to do so *via* the port of Belfast.

I approached Ministers here about having through bookings resumed. As a matter of fact, they were about doing it in England when the Treaty was signed. We would have had through bookings long ago if we had to deal with the people on the other side, because I got a question asked by Captain Redmond in the House of Commons regarding through bookings and reduction of freights, and the reply was that a conference was at that time about to sit representative of railway and shipping interests with a view to having these through bookings resumed. But nothing has been done to reduce the high freights in this country. It is very hard for us to compete with Continental countries so long as we have to pay these excessive rates. I wonder are the Government aware that in England, since 1920, the reduction in railway rates and dock dues amounts to £46,000,000. In that country freights and other charges are down to about 50 per cent. over pre-war. I do not see

how we are to compete with Continental countries unless this question is taken in hands immediately.

I do not wish to say anything further than that I hope some assistance will be given to the bringing about of peace. It is the desire of everyone in this country to see it brought about. I am sure it is the wish of the Deputies on these benches, even though they are opposed to these men.

I would like to see both parties shaking hands. It is all very well for some Deputies to laugh and sneer, but there are a lot of people crying. It was a sad day for this nation to see the poor sights that we have now to witness day after day. Remember my words; unless peace comes about you will see more of the life blood of the country poured out. That will be worse. We have had enough of that and want no more. We want peace, prosperity and happiness which should reign in any country that has the grace of God about it.

**Mr. MILROY:** I believe I spoke on an amendment already. I would not have intervened now only that I believe it was the intention that the speech we have listened to should be the last one this evening. I do not think it should be the last one.

**AN LEAS-CHEANN COMHAIRLE:**  
The Deputy has spoken already.

**Mr. MILROY:** On the amendment but not on the general question.

**AN LEAS-CHEANN COMHAIRLE:**  
On the general question.

**Mr. O'HIGGINS:** I move "That the question be now put."

Agreed.

Main Question put:—

The Dáil divided: Tá, 59; Níl, 10.

Tá.

Earnán de Blaghd.  
 Séamus Breathnach.  
 Seoirse de Bhulbh.  
 Próinseas Bulfin.  
 Séamus de Burca.  
 John J. Cole.  
 John Conlan.  
 Bryan R. Cooper.  
 Henry Coyle.  
 Louis J. D'Alton.  
 Máighréad Ní Choileáin Bean Uí  
 Dhrisceoil.  
 Patrick J. Egan.  
 Henry J. Finlay.  
 Desmond Fitzgerald.  
 John Good.  
 John Hennigan.  
 William Hewat.  
 Conor Hogan.  
 Tomás Mac Artúir.  
 Seosamh Mac 'a Bhrighde.  
 Alasdair Mac Cába.  
 Domhnall Mac Cárthaigh.  
 Pádraig Mac Fadáin.  
 Seán Mac Garaidh.  
 Pádraig Mac Giollagáin.  
 Seán P. Mac Giobúin.  
 Seán Mac Giolla 'n Ríogh.  
 Seoirse Mac Niocaill.  
 Liam Mac Sioghaird.

David Hall.  
 Tomás Mac Eoin.  
 Risteárd Mac Fheorais.  
 Risteárd Mac Liam.  
 Patrick McKenna.

Liam Mag Aonghusa.  
 Pádraig S. Mag Ualghairg.  
 Martin M. Nally.  
 John T. Nolan.  
 Peadar O hAodha.  
 Mícheál O hAonghusa.  
 Críostóir O Broin.  
 Seán O Bruadair.  
 Próinsias O Cathail.  
 Aodh O Cinnéide.  
 Conchubhair O Conghaile.  
 Eoghan O Dochartaigh.  
 Séamus N. O Dóláin.  
 Tadhg S. O Donnabháin.  
 Mícheál O Dubhghaill.  
 Peadar S. O Dubhghaill.  
 Donchadh S. O Guaire.  
 Mícheál R. O hÍfearnáin.  
 Aindriú O Láimhín.  
 Fionán O Loingsigh.  
 Domhnall O Mocháin.  
 Séamus O Murchadha.  
 Pádraig O hOgáin (Gaillimh).  
 Patrick K. Hogan (Luimneach).  
 Seán M. O Suilleabháin.  
 Caoimhghín O hUigín.  
 Seán Priomhdhail.  
 Patrick W. Shaw.  
 Liam Thrift.  
 Nicholas Wall.

Níl.

Tomás de Nógla.  
 Aodh O Culacháin.  
 Eamon O Dubhghaill.  
 Domhnall O Muirgheasa.  
 Tadhg O Murchadha.

Motion declared carried.

**AN CEANN COMHAIRLE** at this stage resumed the chair.

### COMMITTEE ON FINANCE. MONEY RESOLUTION.

Chun críche aon Achte a rithfar sa tSiosón so chun forálacha buana do dhéanamh chun ceapa agus seirbhís daoine i Stát Sheirbhís Rialtais Shaorstáit Éireann do regealáil agus chun cóluacht Coimisinéirí do bhunú chun scrúdú agus deimhniú do dhéanamh ar cháilíochta daoine a tairgfar chun a gceaptha, go bhfuil sé oiriúnach a údarú go n-íocfar amach as airgead a sholathróidh an tOireachtas luach saothair na gCoimisinéirí agus a n-oifigeach agus pé costaisí eile fé n-a raghaidh na Coimisinéirí chun an tAcht so do chur in éifeacht.

That for the purpose of any Act of the present Session to make permanent provision for the regulation of the appointment and service of

persons in the Civil Service of the Government of Saorstát Éireann, and the establishment of a body of Commissioners to enquire into and certify the qualifications of persons proposed to be appointed, it is expedient to authorise the payment out of moneys provided by the Oireachtas of the remuneration of the Commissioners and their officers, and such other expenses of carrying such Act into effect as may be incurred by the Commissioners.

**Mr. BLYTHE:** I move this resolution. The necessary message has been received from the Governor-General. That was necessary in this case. I think that no point of any importance arises. The expenditure on the Civil Service Commission will be very small indeed.

Motion put and agreed to.

### THE DAIL RESUMES.

**AN CEANN COMHAIRLE:** The resolution is now reported to the Dáil.



Question: "That the Dáil agrees with the Committee in the said resolution," put and agreed to.

### INTERPRETATION BILL, 1923. SECOND STAGE.

**Mr. KEVIN O'HIGGINS:** On the question of the Second Reading of the Interpretation Bill, 1923, if there was a feeling that it would be likely to run on into another sitting, it might be desirable to take some of the other Bills that are more likely to be non-contentious, such as the Gaming Bill, or the Local Elections Postponement (Amendment) Bill.

**Mr. JOHNSON:** Perhaps the Minister would give the Dáil an indication, while on the Interpretation Bill, on the point that this is the kind of Bill which ought be referred to a Special Committee for consideration in Committee? That is to say, that its consideration should be by a Special Committee rather than by a Committee of the whole Dáil. It is a Bill of very great importance, of course. It seems to raise a great many points of difficulty and detail, which could be more effectively—with greater enlightenment to some of the Deputies—and more usefully discussed in a small Committee than in a Committee of the whole Dáil. I ask the Minister if he would be prepared to meet that proposition, as otherwise it may require a longer discussion on Second Reading.

**Mr. O'HIGGINS:** We would be quite prepared to agree to submit the Bill to a Special Committee.

**AN CEANN COMHAIRLE:** Shall we take the Second Reading now?

**Mr. JOHNSON:** Agreed, as far as I am concerned.

**ATTORNEY-GENERAL:** I move the Second Reading of this Interpretation Bill, 1923. It is in the nature of what might be called a draftsman's dictionary, and with these people who draft documents, it is a familiar practice to have definitions which can be conveniently used for the purpose of having certainty in the use of terms.

It enables phrases to be used subsequently with the dictionary or vocabulary of the Act always defining the expressions used. In England they have a series of these Interpretation Acts. The latest was the Act of 1889. That Act is now somewhat out of date. In addition to it, we ourselves have added to the vocabulary words that need definition for the purposes of our own legislation.

Following the precedent that we have already adopted, we have made a single comprehensive Bill covering all the terms that are likely to be of frequent occurrence. The type of expressions that we find in a Bill of this kind are expressions that are usually contained, and likely to occur, in different kinds of Bills and are likely to be of frequent use. It also disposes of other matters which have frequently given rise to questions in the Courts such as when a power to make Rules is conferred, whether that gives power to repeal Rules and make a new set as may be required by the circumstances afterwards. It is now recognised that there should be a provision of that kind in order to shorten the drafting of provisions enabling Rules to be made. Deputies already have an outline of the Bill before them and they will have seen the assortment of terms that are proposed to be defined. There is no question of principle involved in having a Bill of the kind, save the principle of a valuable dictionary. Any other matter that would arise out of the Bill is a matter for a Committee.

**Mr. O'HIGGINS:** I second the motion.

Question: "That the Interpretation Bill, 1923, be read a Second Time," put and agreed to.

**AN CEANN COMHAIRLE:** Under the Standing Orders the Bill must be referred to a Special Committee.

**Mr. O'HIGGINS:** Must the Members or the personnel of the Committee be named?

**AN CEANN COMHAIRLE:** Not under new arrangements.

**Mr. O'HIGGINS:** I move that the

[Mr. O'Higgins.]  
Bill be referred to a Special Committee.

**ATTORNEY-GENERAL:** I second.

Motion put and agreed to.

### **GAMING BILL, 1923—SECOND STAGE.**

**Mr. O'HIGGINS:** This Bill is short and very simple, and I trust that its introduction raises no false hopes. It does not legalise gambling, and it does not enable a person to sue for recovery of gambling debts. It has simply one effect, and that is to repeal Section 2 of the Gaming Act of 1835. Under that Section an action could be taken to recover money paid by cheque on foot of a gambling transaction, and in an action which went, I think, to the House of Lords, it was held that an executor was bound to take such action for the recovery of monies paid by cheque by the deceased person on foot of a gambling transaction. That created a very serious and awkward position for executors, and it must be remembered that it was not a one-sided provision. The book-makers or the executors of book-makers could take—and the executors were bound to take—action for the recovery of monies paid on foot of a gambling transaction.

The single effect of this Bill is that when a person has lost and paid in a gambling transaction, an action will not lie for recovery. It does not exclude the right of pleading the Gaming Act. It does not put it in the power of any person to sue in the Court for the recovery of money won in a gambling transaction; but it does remove that anomaly by which, after the transaction is closed and after the money is paid over, the person who actually paid, or his executor, could sue for its recovery. That is the single effect of the Bill and I think it will be generally agreed that a law which puts the onus on the executor of the deceased person to sue for the recovery of all monies paid by him in the course of his life on foot of gambling transactions, is a provision that ought properly to be repealed. This short simple Bill repeals that provision.

**Mr. GOREY:** Would it be in order

to propose an amendment to this Bill legalising gambling?

**AN CEANN COMHAIRLE:** That is a question for the Committee Stage.

**Mr. O'HIGGINS:** On the Committee Stage, yes.

**Mr. JOHNSON:** Would the Minister tell us what would be the effect on gambling if this Bill did not pass? I realise the strength of his argument; but as one unversed in these matters I am curious to know whether, if this Bill were not passed, the effect would be to limit very materially any gambling except ready money gambling.

**Mr. O'HIGGINS:** To an extent it might have that effect, but it is very likely that people would continue to pay by cheque and receive cheques in payment believing that action for the recovery of the money would not follow. In any case the law as it stands puts on the executors the active duty of proceeding to sue for the recovery of monies paid by the deceased person. It is felt that is a hardship—quite apart from the possible effects in future of this short piece of legislation—that ought to be removed, and removed instantly. If the Deputy cares to press his point of view in order to bring about ready-money gambling, that of course is a point of view he is entitled to press.

**Captain REDMOND:** As far as I am concerned, I desire to give this Bill my absolute blessing. It is the first time I have found myself in complete agreement with the Government, so far, in the introduction of any of their measures. This Bill, so far as I understand, does away with a legal anomaly, and if it were not proposed we would be in the position of "as you were," namely, that where transactions took place between two citizens whereby cheques passed, being a formal insignia of honourable transactions, as the law now stands these transactions could be, and in some cases, as the Minister for Home Affairs has stated, would have to be the subject of proceedings. Therefore, I think it a very just and a very proper measure, and also a very equitable one, and I congratulate the Government upon its introduction.

Question—"That the Bill be now read a second time"—put and agreed to.

Committee Stage ordered for Wednesday next.

## FISHERIES BILL, 1923—SECOND STAGE.

**AIRE UM IASGACH (Fionán O Loingsigh):** Sé brí an Bhille ná léasú do dheanamh ar shean-reachtanna tré mhéadú do dheanamh ar na pionóis a ghabhann le ciontaí áirithe a bhaineann le h-iascach bradáin agus breac abha agus iasc eile, go mór-mór, ciontaí a dintear sa tsaosúr coisethe.

Ní chruthnuíonn an Bille aon chiontaí nua; gach aon rud atá curtha síos sa Bhille mar chiontaí tá sé ina chiontaí cheana féin fé sna sean-reachtanna. Fé mar atá ráidhte agam, níl-uainn ach na pionóis a ghabhann leis na ciontaí sin do mhéadú, agus tá nuinín agam go mbeidh an Dáil ar aon aigne liom gur gádh an meid sin do dhéanamh. Ciontaí i gcóinnibh an Iascaigh Náisiúnta iseadh bradáin agus brie abha agus a sceith agus a maghar do mharbhú, agus ní in a gcóinnibh sin amháin, ach fós i gcóinnibh gach éinne atá ag brath ortha in aon tslí.

Deir lucht colúfochta go scéithean an bradáin míle ubh in aghaidh gach phuint dá mhéachaint féin. Se sin le rádh gur féidir do bhradáin deich bpúnt deich míle bradáin do thabhairt. Tá súil agam go n-aontófar le forálacha an Bhille seo, agus tá súil agam fós go dtiocfaidh de bharr na forálacha do chur i bhfeidhm go mbainfear go mór ó fhuadar na bhfoghluithe éise le linn an tsaosúir scéithe seo, agus go mbeidh feabhas mór ar iascach na tíre agus go dtiocfaidh saibhreas mór don Stát dá bharr san le linn na h-ath-bhlíana.

When moving the first reading of this Bill I said that I felt it was more or less non-contentious; in the fact that it is the result of a demand from every part of the country, because of the depredations caused by the illegal poaching of fish in season and out of season. The purport of the Bill is to amend the existing statutes by increasing the penalties for certain offences in connection with salmon, trout and other fish, and, especially, in

connection with offences committed during the annual close season. Every offence that is mentioned in the Bill is, under existing statutes, already an offence. In this way we merely propose to increase penalties for these offences and I feel that the Dáil will agree with me that this course is necessary—

**Captain REDMOND:** On a point of order may I call your attention, a Chinn Comhairle, to the fact that there is a Deputy reading a newspaper in the Dáil.

**AN CEANN COMHAIRLE:** It certainly should not be done.

**Mr. LYNCH:** I said I felt that the Dáil would agree with me that this Bill is necessary because I think that anybody who knows anything about the matter will agree that the destruction of salmon and trout, and their eggs and fry, during the annual close season is something that is very harmful to the national fisheries, and not only to them but to everybody who is dependent, directly or indirectly for their livelihood, on the national fisheries.

What might be considered the only departure in the Bill, except as regards increases in the way of penalties, is that we have instituted a minimum penalty for all these offences that are mentioned in the Bill. This is an innovation, but we feel that it is a very necessary innovation, and many Deputies in their speeches here on fishery matters have convinced us more and more that it is necessary, because of the fact that it has been the course in the past with persons when charged and found guilty of breaches of the existing fishery laws to be let off with a nominal fine, if fined at all, and if a fine was imposed it was remitted. We propose in this Bill that there should be a minimum fine varying for classes of particular offences, and I think that will meet with the approval of the Dáil. The fines that were imposed in the past were absolutely no deterrent; they were in fact a joke. In that respect, especially as regards the more grave type of offence, we suggest that there

[Mr. Lynch.] should be imprisonment with or without the option of a fine, particularly for offences committed during the close season. This is not entirely new, because as regards some of the offences mentioned in the Bill there was an alternative of imprisonment already, especially with regard to the use of dynamite.

The only criticism that I saw of the Bill in the Press, after its first Reading, was the fact that we had omitted, so it was alleged, to insert poisoning as an offence. We felt that the penalties that are already there, under the existing Statutes, are sufficient as far as poisoning is concerned, and we are deliberately omitting the bringing in of poisoning now because of the fact that we might cut across things that we do not want to cut across, such as the tarring of roads by County Councils. The deleterious matter from the roads might go in and poison the fish in rivers. We do not want to come up against that now, and anyhow we felt that the poisoning is dealt with more effectively than ever it was before under Section 8 of the present Bill. It was not at any time the actual poisoner, so much as the person that instigated the poisoning, that reaped the benefit of it. It is extremely difficult to get the person who puts the poison in the stream, but it is not so difficult to catch the person who reaps the result and takes the dead fish from the stream. We cater for that under Section 8 of the Bill, and I think it will be more effective than any former provision. I said before that I hoped for general agreement on the provisions of the Bill, as it has been brought forward as the result of complaints from all over the country as to the wholesale destruction of salmon during the spawning season, especially last year. The consensus of opinion in the communications received by us, and from deputations received by us, was that the existing penalties were too small. I hope the result of enforcing the provisions of this Bill will be to deter considerably the poacher during the present spawning season, and that our inland fisheries will, as a result, show considerable improvement in the next year, and that there will be a consequent improve-

ment in the amount of wealth that is to be gained from the development of the industry.

**Mr. BURKE:** I beg to second.

**Mr. JOHNSON:** When I read this Bill a short time ago I took a note of certain phrases in the various clauses proposing penalties, and I asked myself the question whether the statement on minimum penalties was a new principle. I think I recollected something of the kind in the Public Safety Act, and I think I opposed it then. When the Minister, in introducing the Bill, told us that it was an innovation, my doubts as to the wisdom of it were confirmed. I think it is a bad principle, whether it is an innovation or not, to compel a magistrate or a judge to impose a minimum penalty, no matter what the circumstances may be. The prisoner is found guilty of an offence, and no matter what the circumstances may be mitigating the heinousness of the offence, there is a minimum penalty provided, and whether that is in connection with fisheries or any other set or class of crimes, I think it is a bad principle. You give certain authority to a justice, and you have the right to assume that that justice or judge, as the case may be, is able to weigh up the character of the offence better than we here, legislating in advance, are capable of doing. If we cannot trust the justice to administer the law with due regard to the protection of the public, then we should not appoint justices giving them any discretion. We are practically asked in this Bill to condemn offenders to certain penalties quite irrespective of the circumstances surrounding the offences. I do not know anything about the history of the penal laws, but when the Minister said it is an innovation I am more than satisfied that it is a bad innovation and ought not to be accepted.

District Justices will probably be the people who will try offenders under this Act, and surely we can trust to their discretion as to the penalty. We are not henceforward dealing with the casual magistrate, and you have a right to trust the discretion of the Judges in these matters. You have an increased maximum penalty, and you

have thereby indicated what the view of the Oireachtas is with regard to the evils against which we are legislating. I think it is a bad principle to introduce into legislation dealing with any offences—that you wish to impose a minimum penalty. I think it was pointed out in the discussion on the Public Safety Bill that where a person was guilty of murder there is no discretion. I think it was also pointed out that that was the only exception, and I would urge upon the Ministers the undesirability of persisting in this proposal of imposing a minimum penalty. The making of the maximum as high as you like, would be worth considering, but I do not think that it is a good plan to impose upon a Justice or a Judge a minimum, allowing him no discretion whatever, no matter what the circumstances surrounding the offence may be. On that ground I will oppose the Bill in all its stages.

**The ATTORNEY-GENERAL:** May I say a word on the question which is just being discussed? The position as regards minimum penalties is this. It is not quite accurate to say that this is an innovation, because up to a certain period in English penal legislation it was the practice to insert minimum penalties. That was departed from, except in a certain class of cases, after a particular period in the eighties, and there are certain classes of penal legislation in which the principle of the minimum penalty has been consistently followed. One, for instance, is in revenue cases and another is in this very branch of fishery law. It is no innovation to have a minimum penalty in this Bill, because all existing Acts dealing with offences of this class prescribe minimum penalties. Looking at the groups of Acts in which minimum penalties have been prescribed, they are probably the type of Act in which the people are rather indulgent. The use, for instance, of a used postage stamp is one of the offences for which there is a minimum penalty. In the same way, some people have an extraordinary *grádh* for poachers and poached salmon, and the principle of minimum penalties has been preserved in fishing legislation.

**Mr. HEFFERNAN:** I would like to

support Deputy Johnson in the statement he has made with regard to the enforcement of a minimum penalty. I fear there are grave dangers in connection with such an Act being passed. I can foresee that there are possibilities of what might amount to grave miscarriages of justice taking place. We all recognise in the past the crime of poaching has been regarded rather as an honourable than a dishonourable thing, and we also recognise the necessity which has arisen to protect our fisheries. At the same time I do not think that those conditions would warrant us passing an Act which might result in grave unfairness to some people who might be prosecuted under the Act. I can foresee that it is possible that some very young person, not acquainted with the law, might be caught in the act of poaching and might be brought before a District Justice who had no option but to fine him, say, £10 as a minimum penalty, or else let him go free. In all probability such a young man would not be in possession of the amount of the fine on him, and in the alternative might have to go to prison. I think it would be undesirable if young people, who unfortunately have come to regard poaching as a sport, should get into this unfortunate position. I am also of opinion that where the law attempts to enforce too high a penalty it indicates, to some extent, the weakness of the executive arm of the law in catching criminals. I think these penalties would scarcely be necessary if we could be quite sure that the police force, or those responsible for detecting crime, as regards the poaching of rivers, would be keen and watchful in their duties and that it would be almost impossible for anyone to carry on poaching with impunity. If we could rely on these men to do their duty, and if we knew that any person who attempted poaching would run a great risk of being caught, and that the law would be enforced to the fullest extent, I do not think it would be necessary to have minimum penalties or penalties in this Bill as high as they are.

**Mr. LYNCH:** As the Attorney-General pointed out, I was not quite correct when I spoke of the minimum

[Mr. Lynch.]

penalty provided for in this Bill as being an innovation. There is a minimum penalty already, a nominal one for Section II. of the Bill, under the existing Statutes as 10/-. The original penalty fixed for the offence by the Act of '42 was not exceeding £10 with the forfeiture of the fish and boat. The Irish Fishery Act of '48 had a minimum fine of 10/-. There is a minimum penalty in connection with poisoning of £5 under the existing Statute. There is a minimum penalty of £2 for the use of illegal nets in weirs under the existing Statute. Perhaps we have made it apply more than it has been made to apply heretofore, but I still feel, in spite of what Deputy Johnson has said, that there is a good case for it.

**Mr. JOHNSON:** Is there not a minimum term of imprisonment in connection with these Acts?

**Mr. LYNCH:** There is—in connection with poisoning, two months. I do not know whether it is not exceeding or less than two months.

**Mr. DARRELL FIGGIS:** A very important distinction.

**Mr. LYNCH:** Deputy Johnson says we are tying the hands of the Magistrates, and I do not agree with him. I think the Magistrates have always the option of making recommendations for the remission of any fine that may be imposed. It is not either, strictly speaking, condemning him to inflict penalties irrespective of circumstances. After all, there is a difference between minimum and maximum penalties. He

can inflict in accordance with circumstances, and if the circumstances are such that they should be lower than the minimum penalty he can make his recommendations for something even lower than that. With regard to Deputy Heffernan's point, at the moment I must say I am not at all inclined to give way on this question of a minimum penalty. I am prepared to consider before the next stage the reduction of the present minimum and maximum penalties in the Bill. That is all I can promise at the moment.

**Mr. DARRELL FIGGIS:** The Minister spoke of a Magistrate being of opinion that some penalty should be imposed less than the minimum penalty enforceable in the Bill if and when it becomes a Bill. He seems to infer that the Magistrate would communicate this to somebody who would have a choice as to whether a lower penalty might be imposed. It would appear that the Magistrate would appeal to the Minister to know from the Minister whether the Act recommended by the Ministry and adopted by the Ministry should or should not be enforced as adopted.

**Mr. LYNCH:** I am sure Deputy Figgis is not half as much in doubt as he pretends to be. If a murderer is found guilty by a jury a judge has practically no option but to condemn that man to death. He may make certain recommendations that a sentence may be commuted. Presumably the same procedure would be followed here.

Question put:

The Dáil divided: Tá, 50; Níl, 8.

Pádraig F. Baxter.  
 Earnán de Blaghd.  
 Séamus Breathnach.  
 Seoirse de Bhulbh.  
 Próinsias Bulfin.  
 Séamus de Burca.  
 John J. Cole.  
 Henry Coyle.  
 Louis J. D'Alton.  
 Máighréad ní Choileáin Bean Uí  
 Dhrisceoil.  
 Osmond Grattan Esmonde.  
 Patrick J. Egan.  
 Henry J. Finlay.  
 Desmond Fitzgetrald.  
 John Hennigan.  
 Tomás Mac Artúir.  
 Seosamh Mac 'a Bhrighde.  
 Alasdair Mac Cába.  
 Domhnall Mac Cárthaigh.  
 Pádraig Mac Fadáin.  
 Pádraig Mac Giollagáin.  
 Seán P. Mac Giobúin.  
 Seán Mac Giolla 'n Ríogh.  
 Seoirse Mac Niocaill.  
 Patrick McKenna.

David Hall.  
 Tomás Mac Eoin.  
 Risteárd Mac Fheorais.  
 Tomás de Nógla.

Tá.

Liam Mag Aonghusa.  
 Pádraig S. Mag Ualghairg.  
 Martin M. Nally.  
 John T. Nolan.  
 Peadar O hAodha.  
 Mícheál O hAonghusa.  
 Criostóir O Broin.  
 Seán O Bruadair.  
 Próinsias O Cathail.  
 Aodh O Cinnéide.  
 Eoghan O Dochartaigh.  
 Séamus N. O Dólaín.  
 Tadhg S. O Donnabháin.  
 Peadar S. O Dubhghaill.  
 Donchadh S. O Guaire.  
 Aindriú O Láimhín.  
 Fionán O Loingsigh.  
 Pádraic O Máille.  
 Domhnall O Mocháin.  
 Seán M. O Suilleabháin.  
 Caoimhghín O hUigín.  
 Seán Priomhdhail.  
 Patrick W. Shaw.  
 Liam Thrift.  
 Nicholas Wall.

Níl.

Aodh O Culacháin.  
 Eamon O Dubhghaill.  
 Domhnall O Muirgheasa.  
 Tadhg O Murchadha.

Motion declared carried.

**AN CEANN COMHAIRLE:** When is the next stage?

**Mr. LYNCH:** Next Thursday.

**Mr. GOREY:** I think this is a Bill that interests a good many Deputies, and the time for handing in amendments is too short. I suggest to the Minister, if he has all this cut and dry, and if he is not adamant on the subject, to extend the time sufficiently to give us a chance to get the Bill amended.

**Mr. LYNCH:** I would be prepared to do so, but the Deputy will see that the close season is now near, and the very object of the Bill will be lost if we de-

lay it much longer. It has already been held over for a long time.

**Mr. GOREY:** The Minister has already the machinery to run the old Acts, and there is no necessity for this except as regards the question of fines. It does not impose new penalties for breaches of the law.

**AN CEANN COMHAIRLE:** Suppose we take the Committee Stage next Tuesday week?

Agreed.

The Dáil adjourned at 8.40 p.m. until 3 o'clock on Friday, Nov. 23rd.

# DÁIL ÉIREANN.

DÉ HAÓINE, 23ADH MÍ NA  
SAMHNA, 1923.

(Friday, 23rd November, 1923.)

Do chuaidh an Ceann Comhairle  
i gceannas ar a trí a clog.

## CEISTEANNA—QUESTIONS.

### ORAL ANSWERS.

#### CO. CLARE COMPENSATION AWARDS.

**PADRAIG O hOGAIN** (An Clár) asked the Minister for Finance whether he is aware that considerable dissatisfaction is expressed by the residents of Miltown-Malbay, Lahinch, and Ennistymon, in respect of the awards made to them in respect of the destruction of their property by British Forces in September, 1920, that it is claimed that awards were made without any evidence being heard from the applicants, and that the Commission actually refused to hear their evidence; whether, in consideration of the awards made by the County Court Judge at Ennis, and the absence of the applicants' evidence at the Commission, further inquiry will be made.

**MINISTER for FISHERIES** (Mr. F. Lynch, replying for Minister for Finance): The Compensation (Ireland) Commission is an independent tribunal set up by agreement between the British Government and the Government of Saorstát Éireann, and is not, therefore, under the control of the Minister for Finance.

The Minister is aware that in individual cases claimants have expressed dissatisfaction with the awards of the Commission, but there is no reason to believe that their awards are otherwise than fair and reasonable. There is no appeal against a decision made by the Commission, and no further inquiry is, therefore, possible in the cases alluded to by the Deputy.

## POSSESSION OF KILRUSH PREMISES.

**PADRAIG O hOGAIN** (An Clár) asked the Minister for Finance whether he is aware that on July 29th, 1922, National troops took over possession of the premises of the Irish Transport Union, Kilrush, and that they are still in possession of the place; whether a claim for compensation has been received by the Ministry of Finance respecting damage, etc., caused; and whether, in view of the serious inconvenience and loss sustained by the Branch, he will cause damages to be assessed at once and the place handed over to the officials.

**Mr. LYNCH** (for Minister for Finance): I would refer the Deputy to the answer given on the 12th July last by the Minister for Defence to Deputy O'Brien in reply to a similar question. I understand that the premises are still in military occupation. The question of their evacuation is a matter for the Minister for Defence. Any claim for damage as a result of the occupation will be dealt with as soon as possible after evacuation has taken place.

**Mr. HOGAN**: Is the Minister aware that the Transport Union is paying rent for the hall in question, although the military are in occupation of it?

**Mr. LYNCH**: I am not aware of that, but I will bring the matter to the notice of the Minister for Finance.

**Mr. BAXTER**: Am I to understand from the answer of the Minister that no rent will be paid for such a place during its occupation by the military?

**Mr. LYNCH**: I presume that rent will be paid.

**Mr. BAXTER**: Before its evacuation?

**Mr. LYNCH**: I would not be able to answer now on that point, but I will bring it to the notice of the Minister for Finance.

## APPOINTMENTS TO PRISON SERVICE.

**Major BRYAN COOPER** asked the Minister for Home Affairs whether the



new regulations governing appointments to the permanent Prisons Service are such as to debar practically all the temporary warders now serving; whether the great majority of these temporary warders volunteered to join the National Army last year and were requested to remain at their posts; and whether, in view of the valuable experience they have gained, he will consider the desirability of making them eligible for the permanent service, subject to their passing a medical test.

**MINISTER for HOME AFFAIRS (Mr. K. O'Higgins):** The regulations governing appointments to the permanent Prisons Service do not debar temporary warders who are within the prescribed limits of age (i.e., 20 to 30 years). Before appointment to the permanent service candidates will be required to satisfy the Civil Service Commissioners that their character and health are satisfactory, and that they are sufficiently educated in certain prescribed subjects. In the cases of persons who have practical experience of a trade, or who have served with the National Forces, the maximum limit of age is extended to 35 years. I am not prepared to authorise a similar extension for all temporary warders. In July, 1922, a number of temporary warders volunteered for service in the Army, but it was not convenient to release these men from the Prisons Service.

**Major BRYAN COOPER:** Will the Minister consider the desirability of allowing the extension of the age limit applicable for men who served in the Army to apply also to men who volunteered for service in the Army, but who were not allowed to go because their services were required in the prison?

**Mr. O'HIGGINS:** The alterations in the regulations were made to enable the men who served with the National Forces to be employed up to 35 years of age. The suggestion underlying the question was that because some temporary warders volunteered for service in the Army and were not released no age limit should apply to any tem-

porary warder for appointment to the permanent service. That is something that we are not prepared to concede. The records of the Department show that not more than 29 volunteered on the 22nd of July, and of these eight were over the age of 40.

### UNEMPLOYMENT INSURANCE BENEFIT.

**TOMÁS DE NOGLA** asked the Minister for Industry and Commerce if his attention has been called to the large number of unemployed persons who have been disqualified from receiving Unemployment Insurance Benefit under Section 8 (4) of the Unemployment Insurance Act, 1923, on the ground that twelve contributions have not been paid during the current insurance year, and whether he is aware of the hardship suffered by many people as a result of this provision, and if he intends to amend the law in this respect?

**Mr. LYNCH (for Minister for Industry and Commerce):** A certain number of persons are, no doubt, disqualified from receiving unemployment benefit under Section 8 (4) of the Unemployment Insurance Act, 1920, but the benefit year, which only began on 17th October last, has been too short a period in operation for any statistics to be available as to the number of such persons.

It is not intended to revert to a system of benefit not supported by contributions, which would appear, to be the only amendment of the present law relating to unemployment insurance that would afford the relief contemplated by the Deputy.

### UNEMPLOYMENT RELIEF.

**DOMHNALL O MUIRGHEASA** asked the Minister for Industry and Commerce when he proposes to initiate measures for the relief of the present critical situation in regard to unemployment, and whether such measures will include amendment of the Unemployed Insurance Act, 1923, so as to make good the inadequacy of the normal insurance system, consequent on the fact that the revival of trade anti-

[Domhnall O Muirgheasa.]  
 participated by Ministers during the passing of the Act in May last has not taken place.

**Mr. LYNCH (for Minister for Industry and Commerce):** The intentions of the Government in regard to assisting unemployment were indicated generally in the course of the statement made by the Minister for Finance in the Dáil on the 2nd November, when it was explained that the initiation of any measures of housing or road expenditure would be contingent upon the Government being satisfied that a reasonable adjustment had been reached both of prices and wages. It is hoped that the proposals then referred to will be fully elaborated at a very early date. It is not intended to amend the Unemployment Insurance Act, 1923, by reverting to any system of benefit not supported by contributions.

**Mr. JOHNSON:** Are we to understand that people in the road-making or building industries will not be able to look for any better prospect than they have, say, at present?

**Mr. LYNCH:** The answer states that the initiation of any measures of housing or road expenditure would be contingent upon the Government being satisfied that reasonable adjustments had been reached both of prices and of wages.

**Mr. JOHNSON:** That only deals with the roads and houses.

#### **PUBLIC LIGHTING AND CLEANING OF KILLESTER.**

**Major BRYAN COOPER** asked the Minister for Local Government whether he is aware that the village of Killester, with over 1,000 inhabitants, lacks both street lighting and any means of emptying dustbins; and whether he will press on the North Dublin Rural District Council the desirability of providing these facilities for the inhabitants.

**MINISTER for LOCAL GOVERNMENT (Mr. Burke):** The North Dublin Rural District Council have decided to make provision for the public lighting of Killester, and are at present en-

gaged in going into the incidental details.

As regards scavenging, representations have already been made to the Council as to the need of facilities for refuse removal in this area. A proposal for the purpose will come up for discussion at the next meeting of the Council on the 28th instant. The progress of the case will be followed, and any action that may seem to be necessary will be taken.

#### **RELIEF OF DISTRESS.**

**TADHG O MURCHADHA** asked the Minister for Local Government whether he is aware that in the allocation of grants for the relief of distress, no grant was given to the Castletown-Bere District Council; whether, in view of the large number of unemployed persons in that district, the claims of the district to a portion of any monies to be given for the relief of distress will in future be considered.

**Mr. BURKE:** A sum of £2,975 was voted by the Dáil Distress Committee to the Castletown Bere Rural District Council. A scheme was submitted and approved for the expenditure of this amount. Owing to irregular activities in the area, it was found impossible to carry out the approved works during the financial year in which the money was voted. There is therefore no money at present available for the relief of distress in this district. Should a fund become available in the future the claims of this district will have due consideration.

#### **OLD AGE PENSIONS.**

##### **CLARE CLAIMS.**

**PADRAIG O HOGAIN** asked the Minister for Local Government why an Old Age Pension award made in respect of Mrs. Winifred Hehir, of 1 Corkally Lane, Ennis, by the Co. Clare Pension Committee, has been disallowed by his Department, and whether, considering the nature of the evidence adduced to substantiate the claim, the re-opening of the case is a matter worthy of consideration.

**Mr. BURKE:** A claim from Mrs. Winifred Hehir for the old age pension

was disallowed on the 30th January, 1923, and her case has not since come up on appeal. A previous pension claim from her was disallowed on the 19th April, 1917. The baptismal certificate of the claimant was not produced. No record of her marriage could be traced in the General Register Office, Dublin, and her name was not included in the return of her family at the Census of March, 1851. It does not appear from the official papers that any evidence of age was put forward in this case. The Co. Clare Pension Committee stated that they were satisfied on appearance. It is open to the claimant to make a fresh claim if she is in a position to furnish definite evidence of age.

**Mr. HOGAN:** What does the Minister exactly mean by definite evidence of age?

**Mr. BURKE:** Legal evidence, I should say. It would require to be substantiated by an affidavit.

**SEUMAS MAC COSGAIR** asked the Minister for Local Government whether, having regard to the destruction of Census Records in the Four Courts and the consequent impossibility of obtaining certificates of the ages of numerous claimants for old age pensions, sworn evidence of ages will in future be accepted by the Pensions Committees and the Local Government Board; whether the destruction referred to deprived such persons of their rights under the Old Age Pensions Acts.

**Mr. BURKE:** I would refer the Deputy to the reply given to Deputy McGoldrick in answer to his question of the 27th March last in regard to proof of age of claimants for the old age pension. I shall give the Deputy a copy of that reply.

It is the practice when a birth or baptismal certificate cannot be procured, and the Census records are not available, to consider, in conjunction with the other facts of the case, affidavits from persons of standing who have known the claimant for a sufficiently long time, and who testify as to his age from knowledge based on definite past events. The affidavits should give in detail the grounds for

the opinions expressed and statements made therein, and should set forth relevant facts bearing on the life history of the claimant, such as date of marriage of his parents, and his own position amongst the children, especially as compared with a brother or sister whose age had been established.

As mentioned in the reply to Deputy McGoldrick, it is obvious that an affidavit would not of itself suffice to establish age, and would require verification.

**PADRAIG O HOGAIN** (An Clár) asked the Minister for Local Government why an old age pension award, made by the Clare Pension Committee, in respect of John Shannon, Lough Doolin, Ennistymon, has been disallowed by his Department, notwithstanding the fact that proof of his having attained the age of 70 years was available.

**Mr. BURKE:** The decision of the 21st July last of the Clare Pension Committee allowing the old age pension of 10/- a week in this case was reversed on the appeal of the Pension Officer.

The baptismal certificate of the claimant was not produced, and his age at marriage, on the 31st January, 1882, was then recorded as 25 years.

A sister of the claimant was baptised on the 30th July, 1855, and his brother furnished an affidavit dated 7th September, 1923, in which he stated that he was an old age pensioner and would be 73 years old in October, 1923; that his brother John was the next born in the family after deponent and before the sister, and that he had heard old people say there was a period of two years between his age and that of the claimant.

It was decided, on the 13th September last, that the evidence put forward in the case did not warrant a decision that the claimant had attained the statutory age, and the pension claim was disallowed.

**Mr. HOGAN:** Was not a definite substantiation of the age furnished on that occasion?

**Mr. BURKE:** The evidence is very conflicting. It is a border line case that it is not very easy to decide. On the

[Mr. Burke.] whole, we think that the balance of evidence was against the claim. The Deputy can see the evidence if he likes.

### CO. CORK FISHING FACILITIES.

**TADHG O MURCHADHA** asked the Minister for Fisheries whether a memorial from the fishermen of Goleen and Crookhaven districts (Co. Cork) was forwarded to him some time ago, supported by a recommendation from Rev. F. O'Sullivan, P.P., Goleen, praying for the construction of slips at Dunkeely, Goleen, and other places in the district, in order that fishermen may have better facilities for carrying on their work; whether an inspector visited the district, and, if so, what his recommendations were, and whether it is proposed to give effect to such recommendations.

**Mr. LYNCH:** I received a memorial of the nature referred to; and had an inspection made of the various places mentioned in it. The report subsequently furnished to me indicated that at some of those places the existing facilities were capable of improvement. Owing, however, to the Government's decision to restrict expenditure to matters urgently necessary, I was compelled to hold over the consideration of outlay upon the projects mentioned in the memorial, until such time as the general financial position shall have improved; and the fishing industry shows some signs of revival.

**Mr. MURPHY:** Is the Minister aware that a scheme such as is suggested in this question was approved of by the C. D. Board, under the old regime, and that it has been held up for the last four or five years? Will the Minister give consideration to the matter in the immediate future?

**Mr. LYNCH:** I am aware that that is so, and I will raise the matter again.

### CHARGES AGAINST MEATH PRISONERS.

**Mr. DAVID HALL** asked the Minister for Defence whether, in view of his reply to Question No. 22 of 14th November, 1923, he will state if John

Clarke, James Caffrey, and Patrick Matthews, of Wilkinstown, Navan, Co. Meath, were furnished with a charge sheet prior to the charges against them being investigated by Military Tribunal on the 11th July, 1923; whether the proceedings of the said Military Tribunal were made public; whether the prisoners were present in Court during the alleged trial, and if the findings and sentence of the Court were made known to them; and whether the said prisoners got due notice of their trial, so that they could prepare their defence, and procure legal assistance.

### MINISTER for DEFENCE (General Mulcahy):

When arrested the prisoners were charged with armed robbery and signed statements admitting their guilt. The accused had then five months within which to prepare their defence, and to obtain any assistance they required. If necessary, an officer would have been assigned to defend them. On being charged before the Military Tribunal, none of the accused asked for an adjournment or for assistance in their defence, but pleaded guilty, all making a full confession of the charge, pleading drink as an excuse.

Owing to the large number of cases to be dealt with, it has not been possible up to the present to promulgate in a formal manner the sentences passed in these cases. This will, however, be done before they come up for review before the Board of Commissioners which is at present being set up under the Provisions of the Indemnity Act, 1923.

### SOLDIERS' DEPENDENTS ALLOWANCE.

**Mr. DAVID HALL** asked the Minister for Defence whether he is aware that dependents allowance to Mrs. Jane Kiernan, Carrowstown, Ballivor, Co. Meath, granted and paid to her in respect of her son, Private Peter Kiernan, No. 1383, C. Coy., 58th Batt., Military Barracks, Dundalk, was stopped last June, and that since then no allowance was paid; whether any reason can be given why allowance has not been paid since that time; and whether inquiries will be made with a view to expediting payment of arrears of dependents allowance due to Mrs. Jane Kiernan,

and the continuance of same during the service of her son in the National Army.

**General MULCAHY:** The issue of dependents' allowance, which was assessed at 7/- per week to Mrs. Kiernan in respect of her son, Private Peter Kiernan, was stopped on the 7th July last in consequence of the fact that up to that date payment had inadvertently been made at the rate of 14/- per week from the 17th March last. The amount overpaid, £8 1s., will be cleared on the 15th proximo, and future fortnightly payments at the rate of 14/- will be made thereafter so long as the allowance is issuable in her case.

### **KILCULLEN SOLDIER'S WOUND PENSION.**

**AODH O CULACHAIN** asked the Minister for Defence whether he is aware that Private Patrick Doyle, of Dillon's Avenue, Kileullen, Co. Kildare, who was discharged medically unfit, at Wellington Barracks, on 2nd February, 1923, is still suffering from the effects of gunshot wounds received in action on the 5th October, 1922, at Ballineen, Co. Cork, and has been unable to work for the past nine months; whether instructions will be given to expedite payment of wound pension to this man in view of the circumstances mentioned.

**General MULCAHY:** Consideration of the claim made by Patrick Doyle, of Dillon's Avenue, Kileullen, Co. Kildare, for compensation in respect of a wound, is being expedited.

### **PAYMENT OF ARMY ACCOUNTS.**

**Mr. CONOR HOGAN** asked the Minister for Defence if payment will be expedited to Mr. William Meehan, Ennis, of that item of his claim for £102 5s., for motor hire, which is outstanding since April, 1922.

**General MULCAHY:** I understand that consideration of Mr. Meehan's claim referred to has been held up in connection with the investigation of another transaction. Instructions have been issued to have it dealt with separately. It is anticipated that payment will be made shortly.

**SEAMUS MAC COSGAIR** asked the Minister for Defence if he can state why Thomas Duane, of Meelick, Co. Galway, has not been paid for a quantity of turf which, on September 8th, 1922, and March 17th, 1923, he supplied to the order of the Military quartered at the Tower, Meelick, and repeated applications for which have been made to the Military authorities.

**General MULCAHY:** A payment of £14 was made to claimant on the 1st. A claim amounting to £7 10s. is still outstanding, and arrangements are being made to expedite payment.

## **WRITTEN ANSWERS.**

### **ARMY ACCOUNTS.**

**Mr. CONOR HOGAN** asked the Minister for Defence if payment of a sum of £22 for provender supplied to live stock impounded at Ennis will be expedited to Mr. Joseph Kerin, Ennis.

**General MULCAHY:** I am arranging to have consideration of Mr. Kerin's claim expedited as much as possible.

**TADHG O MURCHADHA** asked the Minister for Defence whether he is aware that a considerable number of army accounts are still unpaid in the Dunmanway and Drimoleague district, and whether he will take steps to expedite payment of them.

**General MULCAHY:** Accounts from Dunmanway amounting to £2,000 approximately, and from Drimoleague amounting to about £2,600 were received at General Headquarters on the 9th instant. The bulk of these accounts have been passed for payment and will be discharged within the next few days. The remainder are under consideration, and will be discharged as soon as possible.

### **SOLDIER'S CLAIM FOR PENSION.**

**PADRAIG O hOGAIN** (An Clár) asked the Minister for Defence whether he is aware that Patrick Considine, Dunogan, Miltown-Malbay, Co. Clare, was injured by falling off a lorry whilst discharging his duty as a member of

[Pádraig O hGáin.]  
the National Army, and was discharged as medically unfit about twelve months ago; whether, in view of Considine's incapacity to provide for himself, his case for pension will be decided at the earliest opportunity.

**General MULCAHY:** The enquiries in the case of Patrick Considine who alleges that he was injured by falling from a lorry are not yet completed. I am not, therefore, in a position to state whether his case comes under the provisions of the Army Pensions Act, 1923, but its consideration will be expedited as much as possible.

### CO. TIPPERARY COLLISION.

**Major BRYAN COOPER** asked the Minister for Defence whether his attention has been called to the claim of James Ryan, of Blind Street, Cashel, Co. Tipperary, for damages which his hackney motor car sustained in collision with an Army lorry on September 26th; whether, as Ryan is a poor man and has been deprived of his means of livelihood, he will expedite the settlement of this claim.

**General MULCAHY:** There is no trace at General Headquarters of the receipt of a claim from Mr. Ryan, but I am making local enquiries and will communicate as soon as possible with the Deputy.

### FOOT AND MOUTH DISEASE.

#### CLOSING OF ENGLISH PORTS.

**Mr. ALFRED BYRNE:** I desire to ask a question in reference to a matter of great importance. I heard to-day that, at half-past one o'clock, an order arrived in Dublin containing an intimation of the closing down of ports in Great Britain, with the exception of Holyhead, against Irish live stock. I would be glad if the Government would inform us if they have any knowledge of the issue of such an order, and, if so, what is the cause of the issuing of this order.

**MINISTER FOR HOME AFFAIRS (Mr. O'Higgins):** My information is that the situation is substantially as described by the Deputy, and that

there has been a closing down order of ports by the British authorities. It is felt that the seriousness of the Foot and Mouth situation in England demands that step. The ports open at present are the Welsh ports of Holyhead, Cardiff and Fishguard.

**Mr. THOMAS JOHNSON:** In view of that position, will the Minister take into consideration the desirability of immediately setting the Drogheda Meat Factory to work?

**Mr. O'HIGGINS:** I will transmit that suggestion to the Minister for Agriculture.

### NATIONAL LOAN.

**AN CEANN COMHAIRLE:** The Minister for Home Affairs desires to make a statement before we enter upon the business on the Order Paper.

**MINISTER FOR HOME AFFAIRS (Mr. K. O'Higgins):** I have been asked by the Minister for Finance to make a short explanatory statement with regard to the Loan which is about to be issued.

The Loan consists of ten millions of 5 per cent. stock issued at 95 per cent. These terms are very favourable to investors in comparison with gilt edged issues at present on the market. The British 5 per cent. War Loan is quoted at over 100. The Commonwealth Government of Australia recently issued a 5 per cent. Loan in London at 99, and the present quotation is nearly 100. South Africa also issued recently a 5 per cent. Loan at 99½, and the present quotation is slightly in excess of the issue price.

The better terms granted by the Free State are due, primarily, to the fact that the credit of the country is an unknown factor in the outside world. In fact the financial position of the Free State should be at least as sound as that of the Dominion Governments mentioned in the preceding paragraph, and the actual security afforded for the present Loan, namely, the Central Fund, may be regarded as absolute.

A substantial Sinking Fund is provided in connection with this Loan. This will tend to keep up the market price after issue, as the Sinking Fund

will be used to purchase stock that may be quoted on the market at or under par. For the purposes of the Loan generally, £750,000 a year is set aside. Out of this, the interest on outstanding stock will be paid, and the balance, which will increase automatically as the years go on, will be used for the purpose of the Sinking Fund.

The Loan is a Trustee security for Trustees in the Free State.

For the convenience of Southern subscribers, and of the Cork Stock Exchange, a Register of the Loan is being established in Cork. This is the first time that a Government Stock Register is being maintained in that city. It will enable dealings in the Loan to take place expeditiously in Cork, and without any necessity for brokers having to pass on their business to outside centres.

Dividends will be paid without any deduction of income tax at the source. Persons receiving such dividends, who are not within the income tax limit, will, therefore, be saved any trouble about applying for refunds of tax.

Another advantage of the Loan is that there is a prospect that the substantial yield which it allows will be payable over a considerable period of years. The Loan is not bound to be redeemed until 1945, but the Government has an option of redemption in 1935, or later. It is probable that holders can count upon keeping the Loan until 1945. In the case of the British 5 per cent. War Loan, the position in this respect is much less satisfactory. In that case, redemption must take place not later than 1947, but the Government may redeem in 1929. It is highly probable that the power to redeem in 1929 will be exercised by the British Government in that case.

This characteristic of the Free State Loan makes it of special value to Trustees and others who want to obtain a good income over a considerable period.

The fact that the Loan is primarily an internal issue has several advantages. An issue abroad would have to be made at a less favourable rate. This would directly result in imposing a heavier burden on the Exchequer, and,

therefore, in tending to keep taxation at a high level. Moreover, the dividends received by home subscribers will swell their income and assist the yield of income tax, whereas dividends paid to foreigners produce no similar return for this country. Again, borrowing abroad is one of several methods by which inflation can most readily be achieved. This evil is far less likely to arise when the Government borrows from the savings of the country itself.

It may be suggested that the Government should go directly to the banks for the money that it requires and ask them to supply its needs out of the large deposits that they hold. The answer is that the Government have already done this on the limited scale on which alone it is justifiable. Larger borrowing by the Government from the banks would be directly inflationary, and could not be reconciled with sound principles of finance. The same objections do not arise if individuals, who have deposits in the bank, take steps to transfer them to the Government by way of subscription to the Loan.

The co-operation of all substantial holders of money is very important for the Loan, and it is very desirable that they should understand that the commercial interests of the country will benefit greatly through the Loan being a success. Taxation will thereby tend to be kept down, and the credit and stability of the country assured. The establishing of a sound credit now will contribute directly towards the financing of the State on a cheaper basis in future.

The terms of the Loan, however, make special provision also for attracting small investors. The Loan can be obtained in blocks as small as £10, and even that amount can be subscribed by instalments spread over a period of three months. The numerous advantages of having many small investors in Government securities scattered throughout the country need no emphasis.

The Minister asked me to add that he invites the hearty co-operation of all members of the Dáil and Seanad towards making the Loan the success it ought to be, towards making it a great act of faith on the part of the

[Mr. K. O'Higgins.]  
people of the country in their own future as a self-governing community.

**Mr. DARRELL FIGGIS:** I desire to ask if there is to be any term within which the lists will be kept open.

**Mr. O'HIGGINS:** I think the closing date is for the 10th December.

### ORDER OF BUSINESS.

**AN CEANN COMHAIRLE:** In connection with the order of business there is one item of private business—the First Reading of a Bill by Deputy Johnson—and if that were taken immediately after the First Reading, which is down upon the paper as Government business, and disposed of in a short time, it would mean that the other business could go on without interruption. Otherwise, we would be coming to private business at 5 o'clock, and if it was disposed of rapidly we would then have to go back again to the business which was interrupted at 5 o'clock. If there is no objection, I suggest that the item No. 7 be taken immediately after item No. 1.—I have no objection.

### DAIL EIREANN LOANS AND FUNDS BILL, 1923.—FIRST STAGE.

**MINISTER for HOME AFFAIRS (Mr. O'Higgins):** On behalf of the Minister for Finance I ask the leave of the Dáil to have printed and circulated the Dáil Eireann Loans and Funds Bill. It is, perhaps, proper that when we are about to float the first Free State Loan we should also pass a Bill to deal with the financial liabilities of the two previous Dáils. This is "A Bill to make provision for the disposal of the property of the First Dáil Eireann and the Second Dáil Eireann, and for the redemption or discharge of the loans floated by, and the other liabilities, of the First Dáil Eireann and the Second Dáil Eireann." I move for the leave of the Dáil to introduce this Bill.

**MINISTER for EXTERNAL AFFAIRS (Mr. Desmond Fitzgerald):** I beg to second.

Question put and agreed to. Second Reading Stage ordered for Thursday, 6th December.

### TRANSPORT AND COMMUNICATIONS BILL, 1923.—FIRST STAGE.

**Mr. THOMAS JOHNSON:** In asking the leave of the Dáil to introduce this Bill I desire to make a few preliminary observations describing the scope of the Bill, so that I can, with confidence, ask the Dáil to give it a First Reading. It is a Bill that fulfils, or attempts to fulfil, the promises of many people, not only upon these benches, but on other benches. It is a Bill, which if passed, will mean the Nationalisation of the Irish Railways, and the co-ordination of all the transport services of the country, including all communications, that is to say, railways, canals, roads, postal service, aerial communication and the like. It will be said that this is a considerable undertaking, and I agree it is; but it is not proposed in the Bill that all this work of co-ordination will be accomplished on a given date.

It is intended, shortly, that there shall be established a Ministry of Transport and Communication, and that that Ministry will be responsible to the Oireachtas for all the Departments that come within its scope, including posts and postal services. It would eventually mean the absorption of the Ministry of Posts and Telegraphs into the Ministry of Transport and Communication. It is intended that the railway undertakings shall be transferred on appointed dates to the care and charge of the Ministry of Transport. The Minister for Transport will be responsible to the Oireachtas. He may or may not be, as may be decided, a member of the Dáil. He will be a Minister, not a member of the Executive Council. The actual management of the railways will be undertaken by a Director of Railways, who will be in supreme command of the actual workings, subject to the Minister of Transport and Communication. The Director of Railways will be assisted and advised by a Council, or Board, representative of the interests concerned in the railway traffic, agriculture, commerce, manufacture and workers generally and the Treasury. The intention is that the transfer shall be on a basis to be fixed by a tribunal consisting of three persons, the chairman being one who has held a high judicial office and



two competent accountants, one of whom shall be nominated by, or approved by, the railway companies.

It is intended that railway stock will be issued by the State in exchange for present holdings, the stock being either in the form of redeemable stock certificates carrying  $4\frac{1}{2}$  per cent. or terminable annuity certificates carrying  $4\frac{1}{2}$  per cent. for the first five years and  $4\frac{1}{2}$  per cent. for sixty-seven years. The financial effect of this option upon the State being identical, terminable annuity certificates being probably in many cases desired by the present stock holders, in other cases the redeemable certificates at  $4\frac{1}{2}$  per cent. with  $\frac{1}{4}$  per cent. of Sinking Fund being preferred. It is proposed that the tribunal to be set up to decide the price at which the railways will be taken over by the State will determine the value according to all the circumstances, but imposing upon the tribunal a maximum price, such maximum to be based upon the average profits earned and distributed during the five years preceding 1914. It is calculated that the railways will by this means be enabled to carry on in such a manner as will allow of a reduction in railway charges, improvement in the services, dealing fairly with stock-holders, and generally serving the interests both of the community as a whole and the industrial, agricultural, and passenger interests at the same time. It is proposed to set up a rates tribunal, a rates tribunal being a semi-independent body whose functions will be to fix rates in such a manner as will pay the charges without seeking any margin. The rates tribunal proposition is one which, I think, should commend itself to all agricultural and industrial interests. It is proposed also that charges upon county councils or baronies in respect of those railways which have been guaranteed shall be removed and that the county councils shall be relieved of any liability in respect of their guarantees. The position of the employees of the railway companies is safeguarded on much the same lines as have been agreed upon and decided by the recent Bill passed in Great Britain touching the amalgamation of the companies over there. It is intended that, so far as respects the railways over which at present the Oireachtas has no juris-

diction, the date of transfer to the State shall be deferred until a decision is taken as to the transfer of those railways or such portion of them as may be decided upon.

The Bill, if it receives the First Reading, will be printed and a memorandum will be circulated with it describing succinctly the intentions of the Bill. I may say that we have been living for a year in expectation that the Government would have introduced a Bill to deal with railways in the Saorstát. That hope has not been fulfilled yet, and we have sought therefore to fill the gap and to submit such a Bill as we would reasonably expect the Government, not a Labour Government, might themselves introduce.

This, I may tell the Dáil, is not a Bill which fulfils all the equities, as I would conceive them. It is very generous in its interpretation of the rights of stockholders. It is such a Bill as might, without any stretch of imagination, have been introduced by Deputy Hewat combined with Deputy Gorey. It is not, as I say, a Bill which fulfils all the equities as I conceive them, but it is a Bill designed to secure general support. Certainly such a Bill as I would like to see enacted would require a considerable period of education of the public, and the circumstances of the day do not justify, perhaps, experiments of a kind which might be risky. In introducing the Bill we have sought to avoid extravagances or experiments which would lead the public or members of the Dáil to shy off because of its experimental nature. If the Bill is granted a First Reading, as I confidently hope, I would ask the Dáil and the Government to consider very carefully the proposals of the Bill, and perhaps one may hope that it may even be taken over as a Government measure after the Second Reading.

We recognise quite clearly that a Bill of this kind, imposing a charge upon the State, cannot get beyond a Second Reading unless the Government is prepared to move the Financial Resolution which is requisite. I plead at least for careful consideration of the proposals of this Bill, and if it cannot be taken over as a whole that it will be considered as a serious attempt to meet

[Mr. Johnson.]

the transport problem and a serious proposal for the co-ordination of all those services which are requisite to carry on the trade, commerce and social life of the community, those services of transport and communication. So far from the Bill being a real charge upon the community it will be, as I contend, a valuable asset, and will enable the credit of the community to stand higher, so that future loans may be floated on more favourable terms for the State. I beg to move that leave be granted to introduce "A Bill to provide for the acquisition by the State of Railways in Saorstát Éireann, for the management of such Railways and the Post Office, and for the co-ordination of Road, Motor, Aerial and other transport services and for purposes connected therewith."

**Mr. DAVIN:** I second the motion.

**Mr. O'HIGGINS:** It is not proposed to oppose the First Reading of this Bill. The feeling is that a Bill about which so many fine things have been said, and said at such length, ought to come into the hands of Deputies and that they should have their curiosity with regard to it satisfied. But Deputy Johnson made a somewhat longer statement than is usual on a First Reading, and I want to make it clear that the decision not to oppose the First Reading is very much without prejudice.

Question put and agreed to. Second Stage ordered for Wednesday, December 5th.

### **LOCAL GOVERNMENT ELECTORS REGISTRATION BILL, 1923.**

#### **SECOND STAGE.**

**MINISTER for LOCAL GOVERNMENT (Mr. Burke):** I beg to move the Second Reading of the Local Government Electors Registration Bill. I was obliged to make a Second Reading statement when introducing this Bill last Wednesday, so that I have not very much new to add to what I said on that occasion. The object of this Bill is to legalise the position with regard to the preparation of the Register for Local Government electors. If the letter of the law had been complied with, this

Register should have come into force on the 15th October, but the Electoral Bill does not apply to Local Government electors, and the Representation of the People Act is to that extent still in operation. Owing to the dissolution of the Dáil, to the high pressure of other legislative duties, and to the fact that in actual practice it has been found impossible to prepare a Register in the period elapsing between the 15th July, the end of the qualifying period under the Representation of the People Act, and the 15th October, the Register did not come into operation. Accordingly it now devolves upon us to amend the Representation of the People Act retrospectively, that is, by fixing a date later than the 15th July as the date for the end of the qualifying period, and for the beginning of the Register of Local Government electors. The Electoral Act fixes November 15th as the date for the beginning of the Register of Dáil electors, and that is the obvious date for starting the preparation of the Register of Local Government electors also. It is obvious from the point of view of time, since it is certainly to the interest of all of us to have this Local Government Register compiled as soon as possible, obvious from the point of view of economy, since otherwise additional expenditure will have to be incurred in the way of paying officials for double work, double travelling, and for double printing. I can see no valid reason why those two Registers should not be compiled at the same time, and if any Deputy does see a reason, I think the onus is on him to prove it.

**MINISTER for EXTERNAL AFFAIRS (Mr. Fitzgerald):** I second the motion.

Question put and agreed to.

Third Stage ordered for Wednesday, December 5th.

### **LOCAL ELECTIONS POSTPONE- MENT (AMENDMENT) BILL, 1923.**

#### **SECOND STAGE.**

**MINISTER for LOCAL GOVERNMENT (Mr. Burke):** I beg to move the Second Reading of the Local Elections Postponement (Amendment) Bill. This

Bill, as is obvious to everybody, does not necessarily of itself postpone the Local Government elections beyond January 1st: all it does is to give power to do so if circumstances make it necessary. The fact that the new register will not be in force by that date, the fact that a large portion of the current rate is still outstanding, and that an election held at present would give an excuse to defaulters for withholding payment still longer and thus put an unfair burden on newly elected bodies, and also the fact that several emergency measures, such as the Local Authorities Indemnity Bill which, amongst other things, protects local authorities from surcharges for acts done under the authority of the old Dáil are reasons why this Bill should, if possible, be passed before asking people to incur the responsibility of seeking election to these public bodies. All these facts constitute, I believe, a sufficient argument for not having the Local Government elections before January 1st, even if Deputies were agreed that the Christmas holidays is a convenient time to hold such elections. One Deputy complained that this election is hanging like the Sword of Damocles over the heads of the representatives of local bodies, but it might be well for all of us occasionally to reflect that that is a condition incidental to public life in general, and is not confined to representatives of local bodies.

Another Deputy has complained that in this Bill no mention has been made of a change in the franchise. Now, such a change is one of the most fundamental and revolutionary acts that any Government can undertake, and would cut right across the whole field of local government administration. Before making such a change, it should certainly be very well weighed and long considered. For me, at this stage, to introduce such a revolutionary measure in this perfunctory manner, after being scarcely a month in office, would amount to little less than an insult to every Deputy. This Bill is a purely emergency measure. It is not intended in any way to be contentious, and I hope to get it through without any opposition. That being so, it would be

very illogical for me to confuse the issue by introducing any contentious matter.

**Mr. D. FITZGERALD:** I second the motion.

**Mr. CORISH:** Would the Minister, at this stage, give any indication when the elections might be held, and as to whether it is his intention to have County Council, Urban District, and Corporation and Rural District Council elections on the one day? That appears to be the interpretation taken by the people in the country. If that were so, I think it would be disastrous, and confusion would arise. These elections heretofore were held on different dates.

**Mr. BURKE:** I do not think that really fits conveniently into the discussion. I have not been able to fix on any period for holding these elections. It depends on how I fare after getting certain Bills through. It is generally admitted that local government at present is not in a satisfactory condition. Some people blame the personnel, and some the system. It is not much use holding an election until we are sure that the bodies returned will give satisfaction. If in the meantime we find that it will be necessary to change the system and to find some means of changing the personnel we will be obliged to do so.

**Mr. CORISH:** I am quite prepared to admit that this does not arise at the moment, but in this Bill the 4 o'clock Minister is given certain powers. I do not think it is too much to ask whether or not it is his intention to hold the County Council and Urban Council elections on the one day, because I believe it will lead to a lot of confusion if he does.

**Mr. BURKE:** I will consider the representation. I presume the usual procedure will be carried out in this case.

**Mr. WILSON:** I can plainly conceive that the reasons given by the Minister are sufficient for the postponement of the elections, but when passing the Local Government (Temporary Provisions) Bill we passed Clause 14, which specified that no person should hold an office of profit under a local author-

[Mr. Wilson.]

ity until after an election held after the passing of that Act. At the time we passed that provision we understood an election would have taken place in September or October, but now, for reasons which it is not for me to state, the election is to be postponed for probably another year. I contend it is not right that any member of a public board should be at present in a position of holding an office of profit when he is at the same time a member of the board, in a position of master, an employee of himself, and in a position to grant the man who is supervising him a rise of salary. That is what is taking place. If the Minister would amend Clause 14 of the Local Government (Temporary Provisions) Act No. 9 so that no person shall hold any office of profit under, or be employed for remuneration by, any local authority of which he is a member, then we would be quite satisfied.

Then it goes on: "from and after the holding of an election or appointment of members of such local authority next held after the passing of this Act." That is the law at the moment, so that at present a person can be a member of a local body and, at the same time, receive payment from that body. I do not think that is right. While this Bill legalises a number of irregularities, we never conceived that that sort of thing would be continued for such a long period.

**Mr. BURKE:** The Deputy's question opens up a very wide field of discussion, and I think it would fit in better in a Bill that I will be bringing in later on for remedying the whole system of Local Government. I do not think that it is quite true to say that this Bill postpones the election for twelve months. It does not give that power, and I do not believe that it will be anything like that period.

**Mr. WILSON:** Does the Minister not agree that a condition under which a man can be a member of a public board and still be employed by that board should be put an end to at the earliest possible moment?

**Mr. BURKE:** That actually cannot happen.

**Mr. WILSON:** I have not got a legal mind, but I think if I read it again the Minister will see that it can happen. It is happening at present, and I can give instances of it. I know several members of local boards working for local authorities of which they are members. The Section reads: "No person shall hold any office of profit under, or be employed for remuneration by or under any local authority from and after the holding of an election or appointment of members of such local authority next held after the passing of this Act." Does that not mean that he can hold it until the election after the passing of this Act? There has been no election since.

**Mr. GOREY:** I think this is a case for the Attorney-General.

**Mr. BURKE:** I do not think the Deputy has read the whole Section.

**AN CEANN COMHAIRLE:** We ought not to hear the Section any more. We know the Section well enough.

**Mr. WILSON:** What is the position then if a person is the holder of an office of profit under an authority of which he is a member? How does it come that the Local Government Department do not remove him from the office of profit if it is not permissible under this Section?

**Mr. JOHNSON:** My complaint in this matter is just the contrary. The Local Government Department has, as a matter of fact, been disqualifying members, at least workmen employed by one local authority from being members of another local authority, notwithstanding the fact that there is a saving clause in the Bill.

It seems to me that in view of the attempt to postpone the elections still further the operation of the law as it stands—not the law as Deputy Wilson reads it—is depleting the local boards of useful members without being able to put others in their places. The Government are, as a matter of fact, by the carrying out of the law as it stands, interpreting it as they are doing, depriving the local authorities of the assistance and help of qualified members and postponing the chances of replacing those members by others who

may be as competent to carry on their operation. I would suggest that the proviso in the Act that is referred to should be made to read that until the new franchise and the new Local Government Bill is passed the present members of the councils should be allowed to continue to sit.

**Major COOPER:** I wish to ask you, a Chinn Chomhairle, whether it would be in order for Deputy Wilson to put down an amendment on the Committee Stage dealing with this question.

**AN CEANN COMHAIRLE:** I think I had occasion to remark a few days ago that it was a very unsafe thing to give one's ruling in advance. I should have to consider this Bill and Deputy Wilson's amendment very carefully before I could say that the amendment would be in order on the Committee Stage. I think the Deputy's proposed amendment aims at amending the existing Electoral Act.

**Mr. WILSON:** Exactly; it does. But I have shown the Minister the necessity for this amendment, having regard to the fact that the elections are to be postponed. I know that the register will not be ready for six months, and we will be having the elections probably next June or July.

#### **MINISTER for HOME AFFAIRS**

**(Mr. O'Higgins):** Deputy Wilson has succeeded admirably in causing a certain amount of confusion. At no time could a member of a public body, a member of a local authority, be in the employment or be in contractual relations with a public body of which he was a member. The provision in the Act went somewhat further, and stated that a member of a local authority could not be an employee of another local authority in the same or an adjoining county. That means that an official of the Dublin County Council could not be a member of the Dublin Corporation, and vice versa. Not in my memory, at any rate, has there ever been the position in which a member of a specific local authority could be in the employment of that local authority or be in contractual relations with that local authority.

**Mr. WILSON:** It exists at the moment. I can give instances.

**Mr. O'HIGGINS:** If it exists, it exists outside the law, and there is a remedy for it.

**Mr. HEFFERNAN:** I would like to ask the Minister for Local Government if I am to understand from his statement, that in the event of the Local Government elections being postponed until September 30th, some steps will be taken by his Department to prevent the mal-administration and waste of public money that is going on at the present time owing to the inefficiency of the present boards in control of the different Councils throughout the country?

**Mr. BURKE:** If the Deputy was keeping in touch with the daily Press, I think he would see that very drastic remedies are being adopted in some cases.

**Mr. HEFFERNAN:** I do not think it is right to refer me to the daily Press for my information. I would like if I could get a more definite statement from the Minister for Local Government.

Question put and agreed to.

Third stage ordered for Wednesday, December 5th.

#### **LOCAL AUTHORITIES (INDEMNITY) BILL, 1923.—SECOND STAGE.**

**MINISTER FOR LOCAL GOVERNMENT (Mr. Burke):** I beg to move the Second Reading of the Local Authorities (Indemnity) Bill, 1923. I think most Deputies are familiar with the facts that led up to the situation this Bill is intended to remedy. During the period that elapsed between the summer of 1920 and the coming into operation of the Treaty two authorities were struggling for supreme control of Local Government in Ireland. You had on the one hand the British Local Government Board, supported by British law and by British bayonets, and on the other hand the Irish Local Government Department, supported by public opinion, by the Dáil Courts and by the

[Mr. Burke.]

Irish Republican Army. Throughout the territory at present comprised in the Irish Free State, and in some areas outside it, the public bodies were almost unanimous in giving their allegiance to the Irish Local Government Department. In order to make for continuity of administration it was necessary for the Dáil Local Government Department to adopt the greater portion of the legal code of the British Local Government Board. Accordingly, by decree number I. of the First Session of 1921 the Dáil enacted as follows:

"It is hereby declared that the Local Government code of law in operation in Ireland up to and including the 17th day of September, 1920, be and is hereby adopted, subject to such amendment and alteration as may be directed by order of the Local Government Department of Dáil Eireann, with the approval of the Minister, such order or orders to be ratified at the first meeting of the Dáil following the making of same."

**Mr. JOHNSON:** I take it that is in the position of a State document. Will it be laid on the Table, or circulated to Deputies? I think it is customary that when a document of the kind is quoted it shall be made available for Deputies.

**AN CEANN COMHAIRLE:** If a public document is quoted from it should be made available for Deputies unless the Minister argued that in the public interest it should not be made available.

**Mr. BURKE:** I have no objection to making it available.

**Mr. JOHNSON:** I hope that as the Ministry is making that document available, it will also make available all the Decrees issued by these bodies.

**AN CEANN COMHAIRLE:** That is another matter, I am afraid.

**Mr. BURKE:** That does not come within the provisions of this Bill. Under the powers conferred by this Decree orders were issued, inconsistent with the ordinary Local Government Statutes, by the Dáil Local Government Department to local authorities throughout the country. I may say that the British Local Government Board

offended in a similar way against its own Statutes. Owing to the circumstances under which this Department was carried on, it was not always possible to conform to these regulations in issuing these Orders, which are usually and properly associated with the administration and legislation of Government Departments.

Owing to the deficiency and imperfection of the records of the period, it is very difficult to verify these orders by legal evidence. The following are a few examples of the kind of illegalities which arose out of the situation, and which this Bill is intended to remedy. To begin with, superannuation granted by local authorities as a general rule required to be sanctioned by the British Local Government Board. The local bodies who gave their allegiance to Dáil Eireann were unable and unwilling to ask for such sanction, and accordingly sanction was not given. Most of those acts were sanctioned by the Dáil Local Government Department, but evidence of such sanction is not always to be found.

The same situation arises with regard to loans and to increases of salaries. The present position is that all such payments were illegal payments and must be surecharged by the auditor. Moreover, any rates struck on estimates of which such extra legal payment formed a part, are illegal and may be quashed on *certiorari*. Other difficulties arise owing to the fact that certain officials refused to carry out the orders of Dáil Eireann, and consequently local authorities were asked to undertake duties which were outside their statutory powers. For example, County Councils were asked to begin the preparation of a Register through their Secretaries, although this was a duty for the Clerk of the Crown and Peace, and, *ultra vires*, of the Council. Several acts of a similar kind were committed.

Another difficulty arose owing to the fact that because of the passing of the Criminal Injuries Act by the British Parliament, it became necessary for local authorities to conceal the whereabouts of their funds. The Dáil ordered those authorities to transfer their funds from their local treasurer to un-named trustees. The present

position actually is that all such transfers were illegal and must be surcharged against the individuals concerned. To enforce such surcharges would be obviously unfair and unjust. At the same time, if we remit all those surcharges under this Bill, there will be no means of coming at those individuals who have been guilty of misappropriation. Efforts have been made unsuccessfully to find some test or criterion other than the Minister's simple approval of the legality of those acts which it is intended to regularise. So many different kinds of acts are involved and so many grounds for illegalities exist, and, as I said before, the documentary evidence of records is so imperfect, it has been found necessary to ask for those powers, admittedly very wide, in order to clear up the confusion.

**Mr. O'HIGGINS:** I beg to second.

**Mr. CORISH:** The other day, on the introduction of the Bill, I asked the Minister if it would make any provision to have County Councils indemnified against any claim rate-collectors might have against them because of the fact that they refused to carry out the duties they were asked to carry out in 1920. He has pointed out that in that period, soon after the County Council elections, garnishee orders were secured against County Councils and other bodies with a view to securing payments in respect of claims for malicious injuries. An order was sent from the Dáil Local Government Department ordering County Councils to change their funds from the National Bank, as it was in many cases, to trustees whose names were not disclosed. Speaking for Co. Wexford, I know that that order was carried out immediately. We were also told to ask rate-collectors if they were prepared to carry out any instructions in that direction, and if they were not prepared to do that we should inform them that we were not in a position to superannuate them.

I was closely in touch with the thing all the time in Co. Wexford, and I am aware that all but four men refused to carry out the instructions. They refused to resign, but they kept their

books and their homes had to be raided to secure the books. During the present year these men, through their Solicitors, made application to the County Councils for superannuation, which, I think, they are entitled to under British Law. An inquiry was held under the presidency of Mr. Justice Wylie and he made an award giving these people the maximum pension. If this is going to be carried into effect it will cost the County Council something in the vicinity of 3d. in the £. I would like to know definitely if the Minister has power to prevent the payment of this. I do not think it is fair to ask the County Councils; who carried out definite instructions, to pay those people, and it is not fair to encourage those people, who refused to help the Council when we were in the throes of the war with the British.

If it is absolutely mandatory that these people should get superannuated, the matter should be considered under the financial clauses of the Treaty, or whatever Article of the Treaty makes provision for the compensation of certain officials. At any rate this should not be a local charge.

**Mr. JOHNSON:** The Minister in his opening statement quoted from the decree of the Dáil Ministry of three or four years ago, and promised that having quoted it, it would be circulated.

**AN CEANN COMHAIRLE:** He promised it would be made available.

**Mr. JOHNSON:** I hope that any other decrees issued by that authority will be made available. It has been very difficult to obtain access to those decrees, and if one decree can be made the basis of a Bill, other decrees may, for all we know, affect our consideration of this Bill. There may have been decrees contradictory to the first decree. In any case, if they are to be considered as part of the Governmental Acts of the last few years, they ought to be available to the members of the Dáil and the public.

Now, the Bill before us seeks, on behalf of the Local Government Ministry, to make valid any act of the local authority, or to remit any penalty that may have been incurred by the failure

[Mr. Johnson.]

to carry out any duty that was imposed upon the local authority during certain years. It seems to me that complementary to this Bill, and it ought to be part of the Bill, there should be a provision of this kind, that any act of a local authority which was validated by the Minister at the time should be considered to be valid, and ought not to be annullable, if that is a word which is allowable, by the present Minister without authority. I am referring to the decisions that were taken by the local authority in regard to payments for services rendered to those local authorities by employees of those local authorities.

Proposals were made and orders given which were sanctioned by the Minister for Local Government, and on that sanction being given, rates of pay for nurses and others were fixed. The Minister comes along to-day and says notwithstanding the fact that the local authority was acting in accordance with its powers, and that it submitted its proposals to the Ministry for Local Government at the time, and those proposals were sanctioned by the Minister for Local Government at the time, those decisions are now being declared invalid and annulled by the present Minister for Local Government, or by the late Minister for Local Government. I submit that there should be embodied in this Bill, and it should be complementary to the proposals in the Bill, that where the Minister for Local Government validated an action of the local authorities in this period, from the 31st March, 1920, to the 6th December, 1922, that these decisions of the existing Local Government Minister should be declared in this Bill to be valid. It seems to me that that is a reasonable proposition, and ought, on the face of it, to be acceptable. I hope the Minister, in reply, will intimate to the Dáil that he is prepared to accept or embody in the Bill on the next Reading some Clause to that effect.

**Mr. O'HIGGINS:** I would like to say a few words on the point raised by Deputy Corish, because I have some special, intimate knowledge of the state of affairs that existed in the Local Government sphere in the year 1920. The

position of rate collectors throughout the country, after the break with the British Local Government Board, was an extremely difficult one, and one that I had considerable sympathy with, although, in the position I occupied at the time, I could not give rein to that sympathy. Here were men who had entered into bonds, men who had gone to their friends and neighbours and asked them to stand as their securities, and because a political movement arose in the country advocating a certain course, with which they might or might not be personally in agreement, they were invited by their local authorities to act in a manner contrary to the bonds into which they had entered, and contrary to the law as it stood, without any real confidence that that law and the authority behind it would ultimately be upset and overwhelmed. Now, naturally we brought considerable pressure, amounting almost to compulsion, on these people. Naturally we fulminated against them, against their treachery and disloyalty, and against their unpatriotic conduct, and so on. But all the time anyone with a real grasp of the situation knew that from the human point of view these men were in a serious predicament. Some of them may not have been thinking entirely of themselves. They were probably thinking a good deal of those who had been so good to them as to become their sureties. And while a man might be willing to incur considerable loss himself, he is less willing to involve in loss people who had befriended him.

That was the situation, and that was the position of the rate collectors, and most of the rate collectors through the country gave trouble. Most of them hung back in dismay at this extra-legal course which they were expected to take. Some of them were dismissed, until we found that it was bad business to dismiss them. We found the following week in the local papers a notice from the Local Government Board warning the people against paying to the new rate collectors, and pointing out to them that they might find themselves in the position of having to pay again to a duly and legally appointed rate collector. A good many anomalies cropped up in the course of that



struggle and a good many points of friction arose. But it does not become us, who, after all, won that struggle, to try and go back now and in any way victimise or in any way lean against the people with whom we had differences. And now at any rate, if not then when the strife was on, we should realise that these men were placed in a very difficult position indeed, and we should realise that not all the country was Sinn Féin, not all the country approved of the course that we were taking, and that the rate collector as much as anyone else was entitled to his individual views. There was the further fact of his bond, the consideration which he ought to have for his sureties. That is his side of the thing, and I am putting it because the other side has been put so strongly by Deputy Corish. I am putting it also because I cannot be expected to have any considerable amount of sympathy with these people who are causing the President and myself, in the position we held then, the utmost embarrassment.

I take it that Deputy Corish is speaking from a brief, from the point of view of his own particular Local Authority, which is in danger of being mulcted to compensate people who, as he would put it, and the members of his Local Authority would put it, let them down in the past. That would be a matter which I suggest Deputy Corish should take up with the Minister for Local Government. But I stand for this, that either by the Local Authority or the Central Authority those men should be compensated, and there should be no victimisation now, and no leaning against these men now. They were simply the victims of circumstances. They had their own views at the time. But we won that struggle, and we should not be ungenerous now, and advocate or give any countenance to a policy of *vae victis*.

**Mr. CORISH:** It is not my intention at all to do these people out of any remuneration if they were deserving of it. I say that that was a national matter, and the local authorities should not be called upon to pay it. It has created a great amount of discontent. Deputy Doyle knows that we had great difficulty with it in the Co. Council, and that we

had difficulty in preventing the whole Council from resigning over the matter.

**Mr. GOREY:** May I ask if the same conditions do not obtain in other County Councils. Were not these matters dealt with by other County Councils and if they have discharged these obligations and liabilities why should not Wexford do the same? If there is to be a central fund, I hold it should be a central fund for all.

**Mr. O'HIGGINS:** There were not many cases. There were a few cases like that of the late Town Clerk of Dublin and a few others, and I have no doubt the Minister for Local Government will consider the matter as an External Minister. Each case will be considered upon its merits, and in all such cases the Minister can make representation to the Executive Council or to the Minister for Finance. It is not a matter on which you can lay down any hard and fast rule.

**Mr. MICHAEL DOYLE:** I can bear out fully the statement made by Deputy Corish. We carried out the orders which we received from the Dáil as faithfully as they could be carried out by any county, and we carried them out within six inches of British bayonets. I do not for one moment want to deprive the Rate Collectors who did not do the work of their rights, or to do them any injustice; but if they are to be compensated it is not fair to mulct the County Wexford ratepayers for this compensation. Their representatives did this, and did it to the best of their ability and in good faith, under the instructions of the Dáil at that time, and I hold it would be a great injustice to the ratepayers to be asked now to compensate these men. They should be compensated from a national fund, if there is such a thing, or the money should be found from some national sources. The ratepayers should not be mulcted, and if we in County Wexford thought at the last meeting of the County Council that the ratepayers were to be mulcted in this sum because they faithfully abided by the decision of the Dáil at the time, not a single member would have remained a member of the Council for five minutes. It was with the greatest difficulty, and only after the

[Mr. Michael Doyle.]  
greatest persuasion from the Chairman, that we induced the Council to hold on until the matter was considered here in the Dáil. The whole Council would have resigned otherwise. Probably the Minister might say that would be a good thing, but we in Wexford do not think so, because the Council has done its duty, and is doing its duty at the present time.

**Mr. P. HOGAN** (Clare): In view of the statement of the Minister and that it is proposed to compensate those officials referred to, may I ask if there is any provision in the Bill to compensate those whose services were dispensed with under amalgamation schemes carried out by different public bodies. Is there any provision to recompense those whose services had been dispensed with two years ago, and who have not yet received superannuation?

**Mr. BURKE**: It is provided under the Local Government (Temporary Provisions) Act. In regard to the question raised by Deputy Corish, of course, each one of these cases will be taken on its merits, and evidence will have to be gone into before we can come to a final decision upon each. I believe it is necessary to compensate those from one source or another if we are to carry out the spirit of the Treaty. Speaking for myself, I must say I am in entire sympathy with the attitude taken up by Deputy Doyle, and Deputy Corish and, as an External Minister, I will bring the matter before the Minister for Finance. If Deputy Johnson brings up his amendment I will be prepared to consider it on its merits.

**Mr. JOHNSON**: Would it be in order for me to frame an amendment of the character indicated?

**AN CEANN COMHAIRLE**: I am afraid nobody but a member of the Executive Council could carry an amendment which would put a charge upon the State; that would even include the Minister for Local Government, who would have to persuade the Minister for Finance before he could put forward such a proposal.

**Mr. BURKE**: Well, then the matter

is out of my hands. I cannot deal with it further.

**Question**: "That the Bill be read a second time" put and agreed to.

Third Stage ordered for Thursday, 6th December.

## DAIL IN COMMITTEE.

### CIVIL SERVICE REGULATION (No. 2) BILL, 1923.

#### THIRD STAGE.

##### SECTION 1.

(1) It shall be lawful for the Executive Council from time to time to appoint fit and proper persons to be Civil Service Commissioners (in this Act referred to as "the Commissioners") to fulfil the functions assigned to such Commissioners by this Act.

(2) The number of such Commissioners shall not at any time be more than three.

(3) Every person appointed under this section to be a Commissioner shall hold office during the pleasure of the Executive Council.

**Major BRYAN COOPER**: I ask leave to take my two amendments together. They are (1) in sub-section (2) line 23, to delete the words "not at any time," and (2) In sub-section (2) line 24 to delete the words "more than." The object of these amendments is to establish the principle that there shall always be three Commissioners. Under the Bill as it stands, it would be possible that there might be merely one Commissioner, and that is a matter to which the Civil Service, in so far as their views are represented by the Civil Service Federation, attach considerable importance.

They feel that though they are beyond the reach of examination themselves that recruitment of the service is a matter of considerable importance to them both as regards the efficiency of their work and as regards the prestige of the service, and they are anxious to preserve this independence and the independence of the Civil Service Commissioners as far as possible. I think the amendment has another

point in its favour, and it is that we have in this country two systems certainly not hostile, not conflicting, but slightly divergent types of University education, the system represented by Trinity and the system represented by the National University. It is desirable, I think, that one of the Commissioners should represent each of these points of view, and that the third Commissioner, attached to neither school, should act as arbiter between them. I ask the Minister for Finance if he will consider, and make it quite clear in the Bill, that the normal number of Commissioners should be three instead of "not more than" three; and also if he will secure that under no circumstances will this vast and considerable power be entrusted to one Commissioner only.

**Mr. JOHNSON:** On a point of order, I desire to ask if there is not some mistake about amendment 1. If it were passed it would read that the number of Commissioners should be more than three.

**Major COOPER:** As I have already stated, Amendment 2 is being taken with amendment 1.

**Mr. JOHNSON:** But supposing amendment 1 is passed, and amendment 2 is not passed?

**AN CEANN COMHAIRLE:** The two amendments are being taken together, and Deputy Johnson must direct his attention to the effect of their being passed or negatived together.

**Professor MAGENNIS:** Would I be in order to ask Deputy Bryan Cooper to what exactly he refers when he speaks of two divergent types of education as represented by Trinity College and the National University of Ireland so divergent as to require two separate Commissioners to represent them?

**Major COOPER:** I thought it was common knowledge, but, if the Deputy contradicts me, I will take his word for it, because I had not the advantage of a University education. I have read that there is a certain peculiar mould into which Trinity, at any rate, casts its Graduates, and I assume that the National University, though young, is in

process of acquiring a somewhat similar, but not identical, mould. I expressly said that there was no hostility between the two Universities, but you might have a difference in point of view, and I think it would be undesirable if one Commissioner, representing one University, were to be appointed to the exclusion of the other.

**MINISTER for FINANCE (Mr. Blythe):** I do not propose to accept the amendment. The volume of work which the Commissioners will have to carry out will be small, comparatively. Even at the present time, when there are arrears of work to be undertaken, the work of the Civil Service Commissioners is very much part-time work. As a matter of fact, at the present time, the work is being carried out by three Commissioners who have other responsibilities and greater responsibilities, and it is possible for them to do it. When we have settled down, the holding of examinations, at regular intervals, will be, for the most part, the work of the Commission, and will require a very small amount of time from the Commissioners themselves, and consequently, from the point of view of the volume of work, there is nothing to be said for binding ourselves to three. It might quite well be desirable in the future that we would rather have one than three, and I do not see that we need actually bind ourselves to any particular number. We might very well be able to get on with two, and in fact we might cease to employ Civil Service Commissioners at all, and get in people from outside. It may not be desirable then that we should actually have three, because the question of remuneration in that case might be a somewhat serious one. I think there is going to be no disposition to make the Civil Service Commission other than a reasonable body or a reasonable institution, to carry on the work which is to be carried on, and I think we may leave it to the Government, or to the Executive Council that may be in existence at any particular time, to make the best arrangements they can for the carrying out of that work. It seems to me to be entirely wrong to take up the point of view, as some Deputies appear to do, that the Civil Service Commissioners

[Mr. Blythe.] will continually have to fight the Government of the day. I think that point of view is entirely fallacious and that we should not act on it. If we are not going to have Governments that will observe the letter and also the spirit of the law, I think we will not be able to have our Civil Service what it ought to be, and I think that we will gain nothing by trying to hedge round these Civil Service Commissioners with too many precautions and safeguards.

The Bill provides in this Section the machinery for holding examinations, and for the holding of them with fair and reasonable safeguards. I think we ought to take the point of view that every Government, and not alone the Civil Service Commissioners, will desire to have its Civil Service recruited so that it will get the best possible material, and that it will give an equal and a fair opportunity to all classes of citizens, and one also that will make the arrangements that may be necessary to have the work done efficiently. For that reason I see no need for specifying three in particular. There is a reason for specifying that there should not be more than three, because there may be a question of salaries and charges, and I think it is necessary to limit the maximum number. I see no reason for fixing a minimum number, and I really look upon this amendment as one that is unnecessary, and one that might tie up the hands of the Executive for making what it may regard as the best arrangement, from time to time, for carrying on the work of the Civil Service Commission.

**Major COOPER:** I desire to ask for leave to withdraw the two amendments.

Amendments, one and two, by leave withdrawn.

**Major BRYAN COOPER:** I beg to move as an amendment to delete subsection (3), and to add at the end of the Section a new sub-section as follows:—

“The office of any person appointed under this section to be a Commissioner may be vacated by resignation in writing under his hand, but failing such resignation no Commissioner shall be removed from

his office save for incapacity or physical or mental infirmity, or misbehaviour in office or misconduct, which shall be certified under the hand of the Minister for Finance. It shall be the duty of the Minister for Finance to give such certificate in case he is satisfied that such incapacity or infirmity exists or that such misbehaviour or misconduct has taken place. No such certificate shall be questioned or made the subject of proceedings in any Court.”

In moving this, I have, first of all, to apologise to the Minister and to the Dáil for a mis-statement I made in my speech on the Second Reading. I said I was under the impression that in England the Commissioners do not hold office permanently. My memory misled me, but that is not to be wondered at when one has to read eight or nine Bills in a few days. Now, with regard to this question, I was told by Deputy Johnson on the Second Reading that I was exaggerating the importance of the Civil Service Commission, and that they were really only persons for conducting examinations. I do not think that is entirely correct, because of an answer to a question which I put to the Minister for Home Affairs to-day. I did not put the question for that purpose, but in his answer he stated that “before appointment to the permanent Civil Service candidates will be required to satisfy the Civil Service Commissioners that their character and health are satisfactory.”

Besides conducting examinations, the Commissioners will have to inquire into the character and health of the candidates. That means that they will have to arrange for the holding of a medical examination, and will require to have a certificate of character from some person knowing the candidate, such as a clergyman. If it were only a question of conducting examinations, I have sat for a good many examinations with varying success, and I can assure Deputy Johnson that it makes a good deal of difference as to who sets the examination papers. If I were to imagine the ghastly possibility that all members of the Dáil had to pass an examination in the subject, say of

economics, it would, I suggest, make a big difference as to whether the papers were set by Deputy Johnson or by Deputy Gorey. The only prophecy I can make is that the Minister for Agriculture would probably be plucked by both of them. If you had the examiners selected from a certain school of thought, it would be regarded as a grievance by those educated under another system. As regards the body that selects the examiners, it is very desirable that it should be in a position of absolute independence. I am not suggesting, as Deputy Johnson assumed, that the examiners should take the status of a Judge of the High Court. I have taken a very much humbler official, the District Justice, as my model in this amendment, but the Sub-section in the Bill is modelled on a Section in the Courts of Justice Bill which gives the District Justice precisely the same immunity from removal from office. The Minister, on the Second Reading of the Bill, and also inferentially to-day, said something about Governments always acting for the best, and trying to establish the best kind of Civil Service. That is not the case in the United States of America. The Government of the United States, under the influence of the founders of the Constitution, just as we are now under the influence of the founders of this State, set up an impartial and excellent Civil Service Commission which made its appointments in the most laudable manner, and these appointments were permanent.

After the Constitution had been in existence about 40 years, there came a wild man from the West called Andrew Jackson—not Johnson—who swept out every office-holder and every Civil Service Commissioner and introduced the “spoils” system, which made every Civil Service appointment—postmaster, Customs officer and others—dependent on the support of the party which was victorious. From that day until this the United States have been struggling to free themselves from that system and have not completely succeeded. If that state of affairs can exist in the United States, which has a rather larger Irish population than the Saorstát, it might conceivably exist here. I, like the Minister, would prefer to rely on the spirit in which the Act would be

administered. I have no love of paper safeguards. But when you have a paper Constitution you must have paper safeguards. The spirit of the Constitution is what counts. But when you have a Constitution on paper you must have paper safeguards. I do most earnestly ask the Minister to consider this question of making the Civil Service Commissioners immune and safe from removal upon any change of Government. I am not censuring the Government. I am expressing the most extreme confidence in it. I want to see the persons they nominate remain in office for the rest of their lives. I am perfectly sure they will make a good selection. I do not want the Commissioners, who will have to determine the different standards of examination, to go out every time there is a change of Government or any time a Government may think it necessary to reward its own supporters.

**Mr. BLYTHE:** I would be prepared to go a little way to meet Deputy Bryan Cooper in this matter. I would be prepared, on the Report Stage, to introduce a provision that the appointment and removal of every Civil Service Commissioner should be gazetted. That would mean that it would be assured that it would be done as a public act. There are other officials, just as important as the Civil Service Commissioners, who are removable at the pleasure of the Executive Council—the Revenue Commissioners, for instance. The Revenue Commissioners discharge extremely responsible duties, and duties in which the Executive Council might be tempted to interfere far more than in the case of the Civil Service Commissioners. The Revenue Commissioners are removable at pleasure. I do not know that what Deputy Cooper has said about the Civil Service of the United States tells against my point of view at all, which is that if you provide the machinery and system for doing things you have to rely on the Government observing the spirit of that system in using the machinery. The Government may change the system, and if you have a Government that desires to change the system it will change it in spite of any safeguards you provide. There may be reasons—

[Mr. Blythe.]

very good reasons—why you would change your Civil Service Commissioners, without any question of incapacity or misconduct being involved. It might be done simply for convenience. For instance, the Ceann Comhairle, who is a Civil Service Commissioner at the moment, might cease to be Ceann Comhairle here.

He might, perhaps, be engaged in some business elsewhere in the country, which would make it difficult and perhaps costly and inconvenient for him to act as Civil Service Commissioner. Still, he could do the work and he could not be removed, although he would not be on the spot. He might not want to resign. You might have a situation of that sort. You might have a Commissioner who is a Civil Servant—say, the Secretary of the Ministry of Education. He might cease to be in the Ministry of Education and it might be considered desirable that the new Secretary of the Ministry of Education should take up his duties. Remember, that as Secretary to the Ministry of Education he is under the will and pleasure of the Executive Council, and his services can be dispensed with at any time. I think it would be somewhat absurd to have the Executive Council able to dismiss him from the lucrative position and not able to dismiss him from the honorary position. I think what I suggested might meet Deputy Bryan Cooper, that any changes in the personnel of the Civil Service Commission should be required to be mentioned in the "Gazette." That would give an opportunity to any Deputy who thought there was anything queer about the matter to have it thrashed out in the Dáil. After all, the Dáil will be the ultimate tribunal, and if it does not deal with the matter there will be no hope.

**Professor MAGENNIS:** Has not the Minister argued very cogently against constituting the Civil Service Commission in the way he at present contends. If the Secretary of the Ministry of Education is to be a Civil Service Commissioner, and if he is to be gazetted as removed because he has ceased to be Secretary of the Ministry of Education, it follows, I think, very clearly,

that in the mind of the Minister for Finance it is an *ex-officio* office. I see that he dissents from that. It is true that I have over-stated the case. It is not necessarily true that it will be always an *ex-officio* office, but it leaves room for removing a Commissioner merely because he has ceased to hold the Secretaryship of the Education Ministry. The Minister spoke also on the last amendment as if he conceived the Civil Service Commissioners as always part-time officials. When going into this question of "the spoils to the victors" and "corruption" and all the rest, is it a good thing for the staffing of the Civil Service of the nation that the entire administration of it, on the side of determination of programmes and standards for all posts, and the conduct of examinations, should be in the hands of part-time officials? Is it desirable that these men should occupy other public offices from which they are dismissable on other grounds? It does not seem to be an ideal system to set up.

I should have preferred if the Minister had, in the interests of economy, appointed only one Commissioner and had put an Advisory Board, constituted in whatever way might be determined, at the service of such one Commissioner. The entire responsibility would then be placed upon him. I think that what he proposed leads in that direction—I mean not what he proposed officially but what he proposed in reply.

**Mr. BLYTHE:** I would say that if Deputy Bryan Cooper's amendment was passed it would become much more difficult to appoint one Commissioner.

**Major COOPER:** I am afraid I am very stupid because I am not quite convinced that because the Revenue Commissioners have been placed in a bad position, or in a position they should not be placed in, the Civil Service Commissioners should be placed in the same position. I am grateful to the Minister for meeting me—I will not say half way but one-eighth of the distance. I will withdraw the amendment on the undertaking of the Minister that he will deal with the point on the Report Stage.

Amendments 3 and 4 by leave withdrawn. Section 1 put and agreed to.

### SECTION 2.

(1) Every person appointed to be a Commissioner under this Act shall receive such remuneration as the Minister for Finance shall determine.

(2) The Minister for Finance shall appoint such and so many persons as he may consider necessary to be officers of the Commissioners, and such persons shall hold office upon such terms and be remunerated at such rates and in such manner as the Minister for Finance shall determine.

(3) The remuneration of the Commissioners and their officers and such other expenses of carrying this Act into effect as may be sanctioned by the Minister for Finance shall be paid out of moneys provided by the Oireachtas.

Amendment 5. To insert before Section 2 a new Section as follows:—

“The age of retirement of all Commissioners shall be 65 years, but the Executive Council may on the advice of the Minister for Finance extend the age of retirement in the case of any Commissioner to 75 years.”

**Major COOPER:** This amendment is really consequential on the previous one, which I have withdrawn. It is obviously necessary where you make a Commissioner a permanent official that you should fix some retiring age, when he will become pensionable. I am not much in love with this part-time system in regard to the Commissioners. They may be too much under official influence. It would be much better to have an independent Civil Service Commission, composed of independent officials who would become pensionable at the normal pensionable age. I took the District Justice as my model and I followed the Courts of Justice Bill as far as I could. As the previous amendment has been withdrawn, I do not see that there would be

any use in pressing this amendment and therefore I withdraw it.

Amendment not moved.

**Major COOPER:** I move:

“In sub-section (2), line 31, to delete the words ‘The Minister for Finance’ and to substitute therefor the words ‘The Commissioners, with the consent of the Minister for Finance.’”

Here I am on stronger ground, and I hope very much that the Minister will accept this amendment. Surely the ordinary staff of the Commissioners should be appointed by the Commissioners themselves. The Commissioners should appoint them because the staff have to work under them. Surely they should select the men they think most fit for the work, subject to the consent of the Minister for Finance. This would give the Minister for Finance the power of exercising his veto. As the thing stands the Minister for Finance may—I am sure in the present case he would not—appoint anybody on the staff of the Commissioners. The Commissioners might have to accept unsuitable men according to the provisions of this Bill. I think the rule in every other Government Department is that the staff is appointed by the people for whom they are to work. In practice, I suppose, the Commissioners would make recommendations to the Minister for Finance, but this should be included in the Bill. I would urge the Minister to accept this amendment.

**Mr. BLYTHE:** I think this amendment arises from a difference in point of view. The Minister for Finance will be the Minister responsible. He is the Minister who will answer in the Dáil. That is one aspect of it. Then it should be remembered that in the case of the Comptroller and Auditor General, where there would be a much stronger case for not vesting the appointment in the Minister for Finance, the appointment of the staff is actually vested in the Minister for Finance. The Comptroller and Auditor General is an officer, as you might say, of a much higher status than the Civil Service Commissioner. He is appointed by, and responsible to the Dáil. He is

[Mr. Blythe.] irremovable. He has the standing almost of a Judge. Yet his staff is appointed by the Minister for Finance. I think there is no case for the appointment of the staff by the Civil Service Commissioners. Then there is the other fact that you would have a part-time staff. You will have some of your staff that will be working in the Civil Service. You may have one person permanently employed in the Civil Service, others will be employed only from time to time. It is obvious they should not be appointed by the Commissioners. You would have your difficulties about putting them on to other work when not required for the work of the Civil Service Commission. I do not think that there would be any throwing of duds on the Commission, so that it would be prevented from doing its work. I do not think that could occur.

**Major COOPER:** Can the Minister say how the Staff of the Commissioners of Public Works are appointed? They are under the Minister for Finance? Does he appoint them?

**Mr. BLYTHE:** As he appoints the others. The Minister does not look for somebody himself and appoint him. He appoints people put up to him, if he is satisfied that they are competent.

**Major COOPER:** I do not want to press this amendment, if I get an undertaking that the point will be considered on the Report Stage and some words inserted like "on the advice of the Commissioners," or "after consultation with the Commissioners." I do not want to press the amendment, as the Minister's undertaking has done something already to meet my point. I hope he will consider the possibility of meeting the amendment. Those apprehensions I have mentioned are felt in the Civil Service, and it is desirable that they should be dispelled as soon as possible.

**Mr. BLYTHE:** I will consider the question of consultation with the Commissioners. There is a clause in the Ministry's Bill which says: "The Executive Council shall, on the recommendation of the Minister, appoint the

principal officer of each of the said Departments, and each of the said Ministers may appoint such other officers and servants to serve in the Department of which he is the head, as such Minister may, with the sanction of the Minister for Finance, determine." This might be a case for appointment by the Executive Council, but I think it would be on the recommendation of the Minister for Finance.

**Major COOPER:** If the Minister considers the point again, I will withdraw the amendment.

Amendment, by leave, withdrawn.

**AN CEANN COMHAIRLE:** Amendments 7 and 9 are taken together. This has given me some food for consideration. I have decided to allow amendment 7 to be moved. Amendment 9, however, brings a new class of persons within a section of the Superannuation Act which would impose a further charge for pensions on the State, and could not be moved by an ordinary member. I am, therefore, not allowing amendment 9 to be moved.

**Major COOPER:** I move:

In Sub-section (2), line 33, to delete all words from "upon such terms" to the end of the Sub-section, and to substitute therefor the words: "by the same tenure, and upon the same terms and conditions (including conditions as to salaries and superannuation) as other Civil Servants in the Saorstát."

Amendment 7 merely seeks to place the Staff of the Commissioners of the Civil Service in the same position as any other civil servants. It seeks to establish that they shall be entitled to all the privileges of the Civil Service and not merely liable to dismissal. The functions they have to perform are important and they should not be allowed to become the subject of undue influence. There was an American politician who said he did not care how the elections were carried on, provided he counted the votes. Those officials will have to count the marks, and it is desirable that they should be removed from the influence of candidates. If they are part-time officials they are already



entitled to those rights. If you take on a man to act as Secretary to the Commission, he should have the same pensionable rights, surely, as any other civil servant. It is highly desirable that the body recruiting the Civil Service should not be inferior to any other body in the Civil Service.

**Mr. BLYTHE:** The intention of the Deputy is our intention, but this amendment goes a little further than he intends. The amendment talks of the same tenure, and the same terms and conditions as other civil servants in the Saorstát. There are various sorts of civil servants, and civil servants who hold varying sorts of tenure. Prison warders are civil servants for the purpose of the Superannuation Acts, and have peculiar rights. The civil servants who are transferred on a change of Government have peculiar tenure and rights. There is a further point. It is an objection to the use of the words "Civil Service." Under the Superannuation Acts, a civil servant is an officer who is entitled to a pension as holding a permanent and established post. Now the words of the amendment might tend to convert a temporary clerk or temporary typist into a person holding "a permanent and established post." I think there is no necessity for the amendment. If a person is appointed to a permanent and established post, he is entitled to superannuation, as a right, under the Superannuation Acts. The Minister for Finance, of course, is entitled to prescribe terms and conditions, just as in the case of other civil servants. I think the Staff of the Civil Service Commission will be suitable persons drawn from the Civil Service.

**Major COOPER:** Having obtained that assurance, I will withdraw the amendment.

Amendment by leave withdrawn.

**Major COOPER:** The next amendment is also out of order because it conflicts with the resolution we passed yesterday, "That the sums prescribed shall be paid out of funds provided by the Oireachtas." I cannot over-rule a resolution of the Dáil without giving a certain amount of notice, and to avoid

the point I will not move the amendment.

Amendment not moved.

Amendment by Major Cooper:

To add at the end a new sub-section as follows:—

(4) Subject to his being in good health at the date of his appointment, the office of a Civil Service Commissioner shall be a pensionable office within the Superannuation Acts, 1834 to 1919, and the pension, gratuity or allowances granted to or in respect of a Civil Service Commissioner on his retirement or death shall be ascertained in the manner and subject to the conditions prescribed by those Acts, and a certificate by the Minister for Finance shall be a sufficient certificate for the purpose of Section 8 of the Superannuation Act, 1859.

**AN CEANN COMHAIRLE:** This amendment cannot be moved.

Sections 2, 3, 4, 5, 6 and 7 ordered to stand part of the Bill.

#### SECTION 8.

(1) The Commissioners shall conduct all examinations in Saorstát Éireann which are now by any statute required to be conducted by Civil Service Commissioners, and also shall if so required by the Executive Council conduct examinations, competitive or qualifying as the case may be, for all or any situations in the Defence Forces of Saorstát Éireann, or in the Dublin Metropolitan Police, the Civic Guard, or any other police force in Saorstát Éireann or in the service of any local authority or authorities, and all or any such other examinations as the Executive Council may from time to time require.

(2) The Commissioners may, with the consent of the Minister for Finance, from time to time make regulations for the conduct of examinations to be held by them under this section.

**Major COOPER:** The amendment which I have is a very small one, but it is really a drafting one, and I hope the Minister's heart will melt towards it. It is, in sub-section (1), line 31, after

[Major Cooper.], the word "statute" to insert the words "or other authority," and it is to meet the case of examinations prescribed by Order in Council, or anything else of that kind. The Civil Service Commissioners were themselves in Great Britain created by Order in Council and not by statute, and it is just possible that under some Order in Council that we do not know of there may be some provision for examinations. I do not see that the insertion of these words can possibly injure the Bill in any way, and they leave it so that if anything of the kind is found it will not be necessary to bring in an amending Bill to deal with it.

**Mr. BLYTHE:** I am not able to understand the intention of the amendment, and I do not like it because I do not know what it means, or what its effect would or might be. If there is any examination which the Civil Service Commissioners were, by Order in Council, required to hold, the Executive Council could now, by Order in Council, require them to hold it; and I do not know that we ought to pass an amendment without knowing that it will serve a purpose, or what particular purpose it will serve. The particular passage, "The Commissioners shall conduct all examinations in Saorstát Éireann which are now by statute required to be conducted by the Civil Service Commissioners" was put in to cover, I think, the County Surveyors; that is, it was necessary that a man should pass a Civil Service examination before he could be appointed a County Surveyor, and this particular phrase was put in, obliging the Civil Service Commissioners to hold such examinations.

If there are any other examinations which they ought to hold, the Executive Council can direct them to do so, and I think that that is sufficient. I do not think this matters, but as I do not really know what the effect, if any, would be, I rather object to it.

**AN LEAS-CHEANN COMHAIRLE** took the Chair at this stage.

**Major COOPER:** Will the Minister make further enquiries before the Re-

port Stage and see if he can possibly adopt it? In that case I will withdraw it.

Amendment, by leave, withdrawn.

**Major COOPER:** I should like to ask the Minister one question under Section 8, because it seems to lay down that the Civil Service Commissioners may institute examinations for anybody in the Civil Service, and any local authority or authorities, but in the margin it merely says County Surveyors. I think it would be a very desirable thing to have Civil Service examinations not merely for County Surveyors but for clerkships and secretaryships in local bodies, and to bring these things into the sphere of competitive examination and out of the sphere of jobbery.

**Mr. BLYTHE:** I think that perhaps the marginal note requires amendment, and I will look into it. There is power under the Clause to require the Commissioners to hold an examination for any position under a local authority, but I think that certain legislation will be necessary from the Local Government side to oblige a local authority to appoint persons who might pass an examination. At present the local authorities might ask the Commissioners to hold an examination, or the Executive Council might require them to do it, but when it was held the local authority might refuse to appoint the person who had passed, so that legislation from the Local Government side would be necessary before we do that.

Question—"That Section 8 stand part of the Bill"—put and agreed to.

## SECTION 9.

The Minister for Finance may from time to time make regulations for controlling the Civil Service of the Government of Saorstát Éireann and providing for the classification, remuneration and other conditions and terms of service of all persons employed therein whether permanently or temporarily; and may at any time revoke or vary any such regulation.

**Major COOPER:** I move, in line 47,

after the word "employed" to insert the words "or to be employed." This amendment is also merely a drafting one, and I hope the Minister will consider it. It is to cover the setting up of any new departments, so that conditions may be laid down in advance, and Civil Servants will know what they have to expect if they transfer to this department, or if they are going up for examination. It is merely, in case a new Government department is found necessary, that the Civil Service Commissioners will be able to make regulations in advance and people in the Civil Service will know where they are.

**Mr. BLYTHE:** I have looked into this and I am informed that the clause as it stands is all right. I think that the conditions and terms of the service cannot apply to anybody until he is actually employed. It is really a drafting matter and I will look into it further, but I am told that as it stands it does what Deputy Cooper has in mind.

**Major COOPER:** Very well, I withdraw it.

Amendment, by leave, withdrawn.

**Major COOPER:** I move:

At the end of the section to add a new paragraph:—

Every regulation made by the Minister for Finance under this section shall be laid before each House of the Oireachtas at least one month before it becomes operative, and if both such Houses shall, within the next 21 days on which either House has sat after such regulation is laid before both Houses, pass resolutions annulling such regulation, such regulation shall be annulled."

This is an amendment laying down that all regulations made by the Minister for Finance under this Section shall be laid on the table of both Houses of the Oireachtas at least one month before they become operative, and if both Houses pass resolutions annulling them that they shall be void. I think it is necessary to have both the Dáil and the Seanad in agreement

upon this. I am not trying to limit the Government unduly and it is only in a case where both the Dáil and the Seanad agree in annulling them that they will be annulled. I think we should have some cognisance of the conditions of employment in the Civil Service, and I think it is desirable that these regulations should be laid on the Table and that we should have an opportunity for discussing them.

**Mr. BLYTHE:** Clause 9, to which it is sought to add a new paragraph, deals with the functions of the Minister for Finance in controlling the public services. It has no relation really to the Civil Service Commission, which is purely a body for controlling the recruitment of the services. The Clause does no more than express in a statutory form the power of the Minister for Finance to control staff expenditure, both as regards the number of officers to be employed, salaries, conditions of employment, hours of service, etc. It is identical with the power vested in the Chancellor of the Exchequer under the British Government for controlling staff expenditure in the British service. The proposed addition would have the effect that the Minister for Finance could not fix the hours of service, or numbers of staff, or any matter relating to staff expenditure, without putting his proposals before the Dáil from time to time, and waiting 21 days.

It would also, of course, have the effect of giving an opportunity to the Civil Service Commissioners, or any such body, to have all sorts of such matters thrashed out in a way that would probably be satisfactory to them, but of no particular benefit to anybody else. It would enable a sort of agitation to be got up, that we know could very well be got up, and turn the Dáil into a debating society for dealing with some matters it would not be worth the while of the Dáil wasting its time on. We know we always can get people to take up any point put to them, and a good deal of time may be wasted. I think it is not desirable that the functions of the Minister for Finance in dealing with this matter of staffs, which is always a delicate and difficult matter, and which could be made a great deal

[Mr. Blythe.] more difficult by unnecessary discussions at critical junctures, should be interfered with. If the Dáil does not like the way the Minister for Finance deals with the matter, it can easily deal with the Minister for Finance. I think that is the way the matter should remain. The British arrangement, which we adopt here, is, I think, an arrangement which has worked well enough, and at any rate at present we would not be disposed to change it. If we felt after our Government had been functioning, and our services had been working for some time, it was desirable to make a change, we could and will make the change.

**Major COOPER:** The voice is the voice of the Minister, but the words are the words of the permanent official which I have been hearing all my life:

No Parliamentary interference with Government offices." I cannot accept the Minister's reply. I think there is a great question of principle at stake in this, and though I am loath to embarrass the Government, I will not withdraw the amendment without a more satisfactory and convincing reply.

**Mr. JOHNSON:** I support this amendment, and I am urged to do so by the example of very recent history. "The Minister may, from time to time, make regulations providing for the remuneration and other conditions and terms of service of all persons employed in the Civil Service." The Minister for Education made a statement the week before last, I think, which made it clear to me that in his view, and I presume in the view of the Minister for Finance, it is not only competent, but reasonable for the Minister for the time being to be able to say that a man who is to-day working for £1,000 a year, next week will work for £100 a year, that the salaries of Civil Servants may be cut down 10, 20, 30, 40, or 50 per cent., as he wishes, without any reference to the Dáil or to anybody but his own conscience. That was the implication of the statement of the Minister for Education when he said that the State was sovereign, and there was and could be no such thing as agreement or contract between the servants of the State and the State which the State

could not annul at will. Something like that was implied by the statement of the Minister for Education on the discussion regarding teachers' salaries. The clause asks the Dáil to agree that the Minister for Finance may, from time to time, without any reference, or any period of suspense, declare that salaries and terms of service are alterable at his will. I do not think that that is a position we should agree to, and I think that the proposed amendment is one which would at least limit the power of the Minister in that respect. The Minister may say, as he said earlier, that the Government or the Executive Council for the time being must be trusted to use ordinary discretion, and if they cannot be so trusted they ought to be removed. That is very nice theoretically, but unfortunately the Minister may do a very unjust thing in its application to a single individual which may not warrant the dismissal of the Government. After all, I imagine we would have new Governments every week if every unjust act of the Government was followed by dismissal from office.

**Mr. O'HIGGINS:** Question.

**Mr. JOHNSON:** I do not understand the interruption, whether the interrupter was asking me to keep to the question, or whether he is querying the statement I made. It is a fact that under this Section as it stands the Minister would have the power, without notice, to alter the remuneration and terms of service of any servant. That, I think, is not a power which should be continued, and consequently I support the amendment, which seeks to impose upon the Minister the obligation, before making any new regulation, that he should lay it before the Oireachtas.

**Mr. O'DOHERTY:** I support this amendment as I consider it is necessary. Indeed, had I the framing of it, I would go somewhat further. The whole curse of the Civil Service, so far as I have known, lay in the fact that official insolence on the part of superiors has no redress on the part of the Civil Service. To some extent the amendment provides against that. Though the present Minister for Finance would do nothing to interfere with the Civil

Service, yet a new Minister may follow who would do so. I think it is well that the provision in this amendment should be accepted.

**Major COOPER:** I think that that support from the Government benches justifies me in pressing the amendment. Earlier in the debate the Minister asked us to rely on the spirit of Governments in future. Cannot we rely on the spirit of the Oireachtas in future? What is there wrong in suggesting that? Nothing but a manifest scandal would induce both Houses to annul a regulation of this kind. That is certain. You have got the Seanad as a conservative force and the Dáil as a democratic one. If they are both in agreement, therefore, a very strong case will have been made. It will not be a matter of a snap division. You must get both Houses. It does give some control over the proceedings of an arbitrary Minister, and that is a constitutional point of great importance. The individual Civil Servant has very little remedy against injustice. He is one man against an organised department, and the existence of this power—which may never be used, which probably never will be used—will in the last resort assist him to obtain justice.

**Professor MAGENNIS:** I should like to support this amendment, if only in the interests of what I have stood for so frequently here, and that is democratic control as against bureaucracy. I cannot see that anyone is aggrieved who is a permanent official or a Minister, if he is subject to what, after all, is in the spirit of the Constitution, that regulations that are practically given the force of law should, before becoming operative, have the endorsement of the Houses of Parliament.

**Mr. BLYTHE:** There is a certain amount of misapprehension about this, and I think it would be very undesirable that the Executive should be hampered in carrying out its executive duties in this way. We have had in the past several difficulties. We had, for instance, a very considerable difficulty in the Post Office strike of last year. I think that when we have had experience of that we should give the Executive Minister responsible the

necessary authority to deal with any situation that may arise—to deal with the whole question of regulating the staff which I think is necessary to ensure that we shall not have trouble created which might not arise if we do not invite debate. Dealing with staffs, and especially with large organised staffs, is a matter of considerable difficulty. It is a matter in which you want somebody to have authority and to be able to act without leaving intervals in which all sorts of trouble might possibly be organised. I believe that the essence of democratic government is to control your Executive. It is not necessarily in curbing or limiting the functions of your Executive. It is in holding them responsible; in watching them; in deposing them if you disapprove of what they are doing. But I entirely reject the notion that there is anything essentially democratic in curbing the functions of an executive officer, especially an executive officer holding office from day to day at the will of a majority. If you had executive officers, as they have in the United States and other places, who are not responsible to a Parliament in the way that the Executive Ministers here are, who cannot be removed at any time, the way the Ministers can be removed here, there would be a case, in many instances, for limitations of powers, that are not necessary or justifiable here.

The whole idea in our Constitution is that executive functions should rest with the Executive as far as possible without limitation, and that the Executive should be held responsible. There is nothing in this that has got anything to do with matters that are at all in the nature of making legislation. It is not a matter to be threshed out here, necessarily, whether a lunch-hour shall be one and a quarter or one hour. That is a matter which the Minister for Finance should have power to deal with from time to time as he thinks desirable, and, then, if the Dáil disapproves of what he is doing, it can deal with him. But there are a multitude of matters arising that the Minister for Finance should have power to deal with, and that he should be responsible for. Even the making of arrangements about pay, about

[Mr. Blythe.] numbers, or grading is a matter that ought to be left to the responsible Minister to deal with in the first instance as part of his ordinary everyday routine, and if there is disapproval of his act he can certainly be held up to criticism.

**Captain REDMOND:** I desire to support the amendment, and in doing so I might venture to remark that this seems to me to be one of the occasions on which the Government are unnecessarily following the British precedent. That may seem so upon the surface, but as far as I know, according to the spirit of the British system no civil servant's salary can be reduced or seriously affected without his receiving compensation and, as there is no undertaking to that effect suggested by the Minister for Finance, I think that it is well for us to pass this provision. What is the objection from the point of view of the Government? There is no doubt that this amendment will not interfere in the slightest with the Executive in the operation of its duties. It will only give the Oireachtas as a whole an opportunity of, shortly and within a space of time, perhaps, expressing the disapproval which the Minister for Finance has already stated they are entitled to do. As Deputy Cooper has pointed out it surely will be an exceedingly serious question which both the Dáil and the Seanad will agree to express their disapproval of, and if it is so serious a matter, then, I think, that it should be subject to immediate approval or otherwise. The Minister for Finance has stated that this might lead to unnecessary discussion. Who is to be the judge of whether the discussion is to be necessary or unnecessary? I think that is a matter that rests with the Dáil as a whole and not with the Government, or even with the Minister for Finance. Therefore, I think that it would be in no degree lessening the power or authority of the Executive; that it would in no way deprive them of their rights or the Minister for Finance of his authority in the matter, and I cannot see, except for pure official cussedness—to use a slang expression—why the Minister for Finance and the Government cannot

accept this amendment. I certainly hope that Deputy Cooper will put this amendment to a division. If he does so I shall support it.

**Mr. HEWAT:** In this matter I would like to say that I cannot see the point of view of the mover of the amendment considering the big responsibility that he takes upon himself in putting it forward. The amendment proposes that any alteration of the regulations shall be laid before the Dáil for a certain period. Let us see what that would mean. The Minister for Finance considers it necessary to make some trivial alteration in the regulations governing the Civil Service—it may be trivial or a matter of greater importance—but at all events every alteration that he requires to make in the regulations will have to be brought before the Dáil.

**Captain REDMOND:** It is not proposed it should be brought before the Dáil. As far as I understand the amendment it is that it should be laid upon the Table of the Dáil.

**Mr. HEWAT:** I am glad of the interruption by Deputy Redmond, but I think in principle it is brought before the Dáil. The disgruntled civil servants get busy immediately amongst Deputies and by the time the Minister could act we would be all ready for a full dress debate on perhaps a matter of very little importance, as far as the alteration is concerned, but a vital matter in connection with the discipline of the Civil Service. This is the sort of thing that would tend to cut at the root of discipline in every office in connection with the Civil Service. And what is it for? If there is general dissatisfaction in the Civil Service, and with the treatment meted out to civil servants, surely there is not much difficulty in bringing forward the grievance as a whole. I should think not. There will be plenty of sympathisers in the Dáil who will do it readily. To put in the Bill a Section such as this Section, if amended, would weaken the whole administration very much. As far as I am concerned I will vote with the Government in opposing this amendment.

**Mr. O'CONNELL:** I will support this amendment. It seems to me the ques-

tion involved is who is to control—the Oireachtas or the Ministry? That seems to be the issue. The amendment only seeks to bring under review an action of the Ministry with regard to any particular service or body of civil servants. If no injustice is done the matter would not come before the Dáil. If an injustice is done it is right that it should come before the Dáil. I thoroughly agree with Deputy Redmond when he stated that the Dáil, and the Dáil alone, must be the judge of the importance of any matter which a Deputy thinks it right should be brought before it. If it is unimportant the Dáil will know how to deal with it, but it should not rest with the Ministry, or with any member of the Ministry, to say that any particular matter is, or is not, of importance to the country. The Dáil is the body that has to find the money, and it has a right to call the tune in the last instance. I think it is not unreasonable that the Dáil should be given an opportunity of knowing what is being done. The Minister stated that if he does anything that should not be done there is a method of dealing with the matter. But an injustice might be done or something might happen to give cause for complaint. It might be smouldering for months before it came to the notice of the Dáil, or until an opportunity would arise for dealing with it on the Estimates or something of that kind. Smouldering discontent in the civil service is not good for the service, and the sooner it is brought to the surface and exposed the better. The Minister will have an opportunity of meeting any argument or agitation that might be put up, and of giving his explanation, which, I have no doubt, in the vast majority of cases, would meet with the full satisfaction of the Dáil. That, I think, will make for a healthier administration rather than trying to keep under ground any discontent that might arise from a Minister's action.

**Mr. GOREY:** I am very much amused at the description Deputy O'Connell gave of the discontent that might arise. He ventures to say that smouldering discontent could exist in Dublin for months without anyone knowing any-

thing about it. I do not think I could conceive a more impossible position. I do not think discontent could exist for two days without Deputy O'Connell or some of us knowing everything about it. If every regulation or change in a regulation has to be laid on the Table of the Dáil, and has to be the subject of a discussion—

**Captain REDMOND:** Not necessarily discussion.

**Mr. GOREY:** I can conceive the position when every Civil Servant with a grievance, or a fancied grievance, will put up some friend to make a case.

**Mr. O'CONNELL:** And why not?

**Mr. GOREY:** Deputy O'Connell wants the Dáil to be occupied with nothing else but dealing with questions of this description.

**Captain REDMOND:** What is the Parliament for?

**Mr. GOREY:** Judging by the interruptions, Parliament is for dealing with every disgruntled civil servant who has a grievance.

**Professor MAGENNIS:** Or a disgruntled farmer.

**Mr. GOREY:** I can conceive a position when the Dáil will be occupied with nothing else. That might be agreeable to some Deputies, but I do not think it would suit the Dáil, or add to the dignity of the Dáil, to be dealing with petty grievances and with every petty dispute in the Civil Service.

**Mr. GOOD:** I would like to support the view taken by the Minister for Finance on this particular amendment. It appears to me that if the Dáil wants to encourage and create the difficulties that have been pointed out, then it ought to pass this amendment. The Dáil as I understand the position, appoints a Minister to discharge certain duties. If the Dáil on the one hand is going to appoint a Minister in whom it has confidence to discharge the duties, and is now going by amendment to take away and undermine his authority, surely it is an exceedingly weak proceeding. To take a business

[Mr. Johnson.]

Table civil servants, who have any grievance, have no option but go to Deputies and plead with them to make a fuss to bring the matter under the notice of the Dáil. I wonder at Deputies who resent such action refusing to accept this amendment. I am glad that Deputy Cooper proposes to divide the Dáil upon it if the Minister will not accept it, and I hope it will be carried.

**Mr. BLYTHE:** Deputy Johnson would seem to me, from the trend of his remarks, not to have read the amendment, because this is not the form that such provision usually takes in the Acts that have been passed in this Dáil. It does not propose that the regulations shall be made as usual and become operative and be annulled by the Dáil, if a resolution so deciding is passed within twenty-one days. It proposes that the regulations shall lie on the table one month before they become operative, and everybody is invited to come along and raise a row. It is quite a different thing. I would have no objection to have the usual type of clause put in the Bill. That is that the regulations shall lie on the table for twenty-one days, but in the meantime they should become operative. That would enable the Minister for Finance to deal with the matter. As a matter of fact regulations are in existence. There is no reason why the form of publication should not be the laying of the regulations on the table. That is a different thing to the amendment of Deputy Cooper.

**Major COOPER:** That is something quite new. If the Minister had said that half an hour ago we would have been saved all this discussion. If he had come a yard to meet me I would gladly have gone more than half way to meet him. If he will undertake to put in the usual form I am satisfied. All I want is that the Dáil shall have some power to review these regulations.

**Mr. BLYTHE:** I have no objection to the usual regulations.

**Major COOPER:** If you undertake to do that I withdraw the amendment.

Amendment, by leave, withdrawn.

Question: "That Section 9 stand part of the Bill," put and agreed to.

Sections 10, 11, 12 and 13 were agreed to.

### SCHEDULE.

Question—"That the Schedule be the Schedule of the Bill"—put and agreed to.

Question—"That the Title stand part of the Bill"—put and agreed to.

### DAIL RESUMES.

Bill reported; Fourth Stage ordered for Tuesday, December 4th.

### THE COURTS OF JUSTICE BILL, 1923.—FOURTH STAGE.

**ATTORNEY-GENERAL:** I move that the Bill be received for final consideration. I assume the Dáil will go into Committee on this amendment, which is:—

In Section 7, line 19, page 5, to insert before the words "the Chief Justice" the following words:—"Whenever, owing to the illness of a judge of the Supreme Court or for any other unavoidable cause, the number of judges of the Supreme Court requisite for the transaction of the business of that Court is not available," and in line 19 to delete the words "from time to time."

**AN CEANN COMHAIRLE** at this stage took the Chair.

**Mr. JOHNSON:** I think the character of the amendments are such that they ought to be considered in Committee, and if I am in order I move that the Dáil resolves itself into Committee to consider these amendments.

**AN CEANN COMHAIRLE:** If there is a general desire to go into Committee, of course the Dáil will certainly do so, but the idea of going into Committee on the Report Stage of a Bill was that the Dáil could deal with new matter, or very important matter. I will now take the motion that the Dáil will go into Committee. Is that agreed?

Agreed.



### DAIL IN COMMITTEE.

**ATTORNEY-GENERAL:** Section 7 enables Judges of the High Court to be called in to act as Judges in the Court of Appeal, and the purpose of this amendment is to limit that power to cases of illness or the unavoidable absence of Judges from the Court and the motive of the amendment is to preserve the position of the Court of Appeal as something supreme and standing in a position by itself and to prevent Judges of the High Court being called unnecessarily or too frequently into the Supreme Court. I move.

**Captain REDMOND:** I do not really see the force of this amendment, because during the course of the Committee Stage of this Bill I proposed that all the High Court Judges should be paid equal salaries with possibly one or two exceptions, and I had more than one ground for that proposal. In England at the present time that obtains, and I think it is a very useful fact that all High Court and Supreme Court Judges should be co-equals, and I cannot see why if the necessity were to arise there would be anything against the calling in to the Supreme Court of a High Court Judge. I really do not think that there would be that great difference between either their intelligence or capacity, or that there should be that difference between the status of the two Courts, and, therefore, I think that this amendment would require a little more explanation than the Attorney-General has given. What is the objection either from the legal or the civil state point of view to Supreme Court Judges seeking the assistance of their own brethren in the High Court. That is a question I would like to have answered if the Attorney-General would be kind enough to explain.

**Professor MAGENNIS:** I have been more than once surprised by the line taken, in the way of criticism of proposals, by my friend, Deputy Redmond but never more surprised than on the present occasion. The amendment here goes as nearly perfecting the original proposal as an amendment could well do. Deputy Redmond must be fully alive to the fact of every barrister's

experience that a Judge of first instance, a Judge of the High Court, is dealing not merely with questions of law, but with considerations of what I might briefly describe as of a psychological character.

He estimates, from the manner and bearing and general behaviour of the witness, his credibility. He has control of his Court, he deals with counsel, and he exercises a variety of qualities that are altogether different in their nature from that of being a profound or subtle lawyer. That he should receive the same salary as the salary of the Supreme Court Judge does not arise here. If that were the question, I should agree with Deputy Redmond that both should be paid alike as being judges of a High Court, but the point that this amendment seeks to deal with is that the Judge of first instance should not be unnecessarily brought in to be a member constituting the Supreme Court. It is a Court really of specialisation of function, and it is only where there would be a deficiency in the number of Judges available to make up a Supreme Court for the hearing of a particular appeal, that it should be necessary at all to requisition the services of a Judge of the Supreme Court of first instance. I think Deputy Redmond overlooked the fact that in line 19 the amendment seeks to delete the words "from time to time," so that the result is that it is only when the illness of a Judge of Appeal makes it necessary, or some other unavoidable cause of a similar nature, that the Judge of the other Court is to be brought in to complete the number. I think this is a most useful amendment, and one that will commend itself to the Bar of Ireland.

**Captain REDMOND:** I am exceedingly indebted to my learned friend on my right for having more fully explained this amendment than did the Attorney-General when he said that High Court Judges should not be unnecessarily called in to aid their brethren in the Supreme Court. If that is the intention of the amendment, of course, I am in complete agreement with it, but it did strike me that it was unnecessary, to use the expression again, to have a limitation of the

[Captain Redmond.] powers of the Judges of the Supreme Court. However, I am now satisfied that that is not the case, and I require no further explanation on the subject.

**ATTORNEY-GENERAL:** One inaccuracy crept in, on an earlier stage of this Bill, as regards equal payments. The Court of Appeal in this country is intended to be, as far as possible, the final Court of Appeal. In England the Judges in the final Court of Appeal do not receive the same salaries as the other Judges; they receive considerably larger salaries. It is desired that this Court of Appeal, which is to be the final Court of Appeal and which is to be unlike the existing Court of Appeal constituted as a separate Court, should stand apart and should be constituted by men specially chosen for their fitness for that particular Court, and that it should not be possible to rush in High Court Judges in order to give a day's golf or a day's holiday to Judges of the Supreme Court. It is the opinion of the Bar that, in the present existing *régime*, Judges of the High Court have been unduly called into the Court of Appeal, and it is a constant complaint of the Bar. I do not know whether Deputy Redmond has conferred with representatives of the Bar, but I do know myself that this amendment is in accordance with the best opinion of the Bar, and I should think with a long way the majority of the Bar, that Judges of the High Court should not be called into the Court of Appeal, and that the Court of Appeal should be made a stable institution to which people can look with respect and which should not be simply a scratch collection of Judges got together to hear cases from time to time.

Amendment put, and agreed to.

Section amended accordingly.

Amendment 2.—In Section 12, line 3, page 6, to delete the words “on the advice of” and substitute in lieu thereof the words—“after consultation with the Chief Justice and.”

**ATTORNEY-GENERAL:** I move this amendment. It gives effect to an undertaking of the President, given on the Committee Stage, with reference

to the extension of the age of retirement. The Section will now read:—“The age of retirement of all Judges of the High Court and Supreme Court shall be 70 years, but the Executive Council may, after consultation with the Chief Justice and the Attorney-General, extend the age of retirement in the case of any Judge to 75 years.”

Amendment agreed to.

Section, as amended, agreed to.

Amendment 3.—To delete Section 13.

**ATTORNEY-GENERAL:** This amendment is for the purpose of inserting at the end of the Bill a comprehensive declaration applying to all Courts. This amendment is also in pursuance of an undertaking, and I move it.

Amendment agreed to.

Amendment 4.—In Section 15, lines 26 and 27, page 6, to delete the words “or vacates his office owing to age or permanent infirmity,” and insert after the word “judge” in line 29 the following words:—“There shall be granted to each judge of the High Court and the Supreme Court who vacates his office owing to age or permanent infirmity after having completed five or more years’ service and less than fifteen years’ service a pension calculated at the rate of one-sixth of his salary at the time he vacates his office, with the addition of one-twentieth of his said salary for every completed year of service in excess of five such years, such pension to be continued during his life.”

**Mr. O’HIGGINS:** I move amendment 4.

**ATTORNEY-GENERAL:** It will be remembered that, on the Committee Stage, a question was raised as to whether, under the provisions as they stood, a Judge might not retire within a few weeks of his appointment on full pension. I think that particular defect was pointed out by Deputy Magennis. This amendment has been drawn to meet that weakness in the Clause. It prevents any Judge vacating office with pension unless he has five years’ service.

Amendment agreed to.

Section, as amended, agreed to.

**Amendment 5.**—In Section 17, line 43, page 6, to insert immediately before the word “but” the following words:—“or a Judge of the Dáil Supreme Court as defined in the Dáil Eireann Courts (Winding-Up) Act, 1923 (No. 36 of 1923), or a Judicial Commissioner appointed under that Act.”

**ATTORNEY-GENERAL:** The object of this amendment, which I move, is to correct an oversight in failing to set out as a qualification for appointment to the new Courts the judicial record possessed by certain persons. Judges appointed to the Dáil Supreme Court and those who are acting on the Dáil Courts Winding-up Commission were omitted, and I think it will be agreed that that omission should be rectified.

**Amendment agreed to.**

Section, as amended, agreed to.

**Amendment 6.**—In Section 20, line 13, page 7, to delete the words “of the High Court and Supreme Court.”

**ATTORNEY-GENERAL:** This amendment, which I move, is really only a drafting amendment. It was unnecessary to insert the names of the Courts. It is better to leave it in the general form, that the Commissioners referred to shall be simply Commissioners and not limited to particular Courts.

**Amendment agreed to.**

Section, as amended, agreed to.

**Amendment 7.**—To delete Section 21.

**ATTORNEY-GENERAL:** The intention of this amendment is to transfer the Clause to the end, inasmuch as the Commissioners and Solicitors, respectively, will be Commissioners and Solicitors for all the Courts set up under this Bill. I move the amendment.

**Amendment agreed to.**

Section, as amended, agreed to.

**Amendment 8.**—To insert immediately before Section 22, page 7, a new section, as follows:—

“From and after the commencement of this Act the Reference Committee for Saorstát Eireann mentioned in sub-section (5) of Section

33 of the Finance (1909-10) Act as adapted by the Adaptation of Enactments Act, 1922 (No. 2 of 1922) shall consist of the Chief Justice, the President of the High Court, and the Chairman of the Surveyors' Institution (Irish Branch), in lieu of the persons named in the said sub-section.”

**ATTORNEY-GENERAL:** This amendment is necessary by reason of the fact that under the Bill as it stands the Reference Committee that appointed Referees for appeals under the Finance provisions of the Finance Acts of 1909-10 could not be constituted. The persons who were made ex-officio members of that Reference Committee cease to exist under this Bill, and it is proposed to substitute for them the persons named in the amendment, who are: the Chief Justice, the President of the High Court and the Chairman of the Surveyors' Institution (Irish Branch). I move the amendment.

**Amendment agreed to.**

Motion made and question put—  
“That the new Section be added to the Bill.”

**Agreed.**

**Amendment 9.**—To delete Section 25.

**ATTORNEY-GENERAL:** The object of this Amendment is to transfer the Section to a more comprehensive Clause, which it is proposed to add at the end and which will make these provisions with reference to juries apply to all Courts. I move the amendment.

**Amendment agreed to.**

**Amendment 10.**—In Section 37 (viii.), line 22, page 10, to delete the word “and” where it secondly occurs and insert in lieu thereof the figures “(ix.)”.

**ATTORNEY-GENERAL:** This Amendment is merely a drafting Amendment and for the purpose of inserting the figure 9. Otherwise the terms at the end of Clause 8 might be limited by the new words which were put in as regards the fixing and the collection of fees. I move the amendment.

**Amendment agreed to.**

**Amendment 11.**—In Section 37,

line 26, page 10, to add immediately after the word "majority" the words "of a committee consisting."

**ATTORNEY-GENERAL:** This gives effect to an undertaking given during the Committee Stage, prescribing the concurrence which is required in the making of rules for the Superior Court and High Court.

Amendment agreed to.

**ATTORNEY-GENERAL:** I move: "In Section 37, page 10, to delete lines 31 to 40 inclusive." It is proposed to apply the clause to all rules in all the Courts, and it is provided that they be laid on the table of the House.

Amendment agreed to.

Section, as amended, agreed to.

**ATTORNEY-GENERAL:** I move:

"In Section 38, line 50, page 10, to add immediately after the word 'Court' the following words:—'The Minister for Home Affairs may, with the consent of the Chief Justice, and the Judges for the time being of the respective Circuits affected, at any time and from time to time transfer any county or part of a county from one Circuit to another Circuit, or otherwise alter the areas comprised in the several Circuits as he shall think proper, but not so as to alter the total number of Circuits.'"

This amendment enables the Minister for Home Affairs to alter the Circuits. Deputy Cooper pointed out that in his view, one of the Circuits, at least as constituted, would not be workable. Really, it is not possible to arrive at a final view in that matter. Experience will teach us more.

**Major COOPER:** This is a wise provision, but I should like to ask what does "part of a county" mean? It is not clear, and it seems to me that you would require a more exact definition than simply "part of a county."

**ATTORNEY-GENERAL:** All I can say is, it means part of a county. It will presumably be some identifiable part—barony or townland, as the case may be.

**Mr. JOHNSON:** Will the Attorney-General say whether there is intended

to be a prohibition against decreasing the total number of circuits by agreement, as provided. The last line but one prevents the possibility of decreasing the total number of Circuits. Is it intended that, no matter what the conditions may be, there shall be no change in that number?

**ATTORNEY-GENERAL:** It is not intended that this provision shall be used for that purpose. It is inconceivable that they could be reduced as a matter of fact.

**Captain REDMOND:** I distinctly welcome this amendment, and also the remark which has just fallen from the Attorney-General, that it is inconceivable that the present number of Circuits could be reduced. I am very glad to hear also that this amendment does not limit the possibility of a future increase in the number of Circuits, which I personally think will have to be made to make the scheme a workable one. As regards the transferring of one County, or part of a County, from one Circuit to another, I notice that the Minister for Home Affairs, the Chief Justice, and the Judges for the time being, of the respective Circuits, are to have the sole say in this matter. I certainly think that they should be consulted, and I think they should have a considerable voice in the question, but I must also give expression to my view that the residents of those Counties, and the people directly concerned with the operation of these courts, might also be consulted in this matter. I think this is a matter of vital importance to the people, say of a County like Louth, which is included in a Circuit extending to the County Wexford, through the counties of Meath, Kildare and Wicklow. It is an important question to the people concerned, as to whether Louth should or could be advantageously transferred to another Circuit. Therefore, if it were at all possible, I would suggest to the Attorney-General that the proposed change, if any, should not be necessarily limited to the consent or to the approval of the people mentioned in this amendment. If it be possible to get the opinion—as I think it might be—of the would-be, future or potential litigants

in those various areas directly concerned, I certainly think they should have a voice in the matter. I would, therefore, ask the Attorney-General, if possible, to consider this matter, and if he comes to the same conclusion, perhaps he might be able to extend and widen the amendment.

**ATTORNEY-GENERAL:** I do not know how Deputy Redmond proposes exactly that all future litigants' views are to be taken as to alteration of the Circuits. I do not know whether he proposes to send snowball resolutions round to Board of Guardians. Of course, all representations and views locally that may be sent forward will be fully considered, and a change of this kind will hardly be made in face of opinion that should be given weight to. I think the amendment as it stands is a good one and a reasonable amendment.

**Professor MAGENNIS:** It may be a perfectly reasonable amendment, but, without being hyper-critical, I might suggest that there is one slight flaw in it. It has been the practice with regard to County Court Judges not to remove the Judge from one area to another without his consent. One can easily see here if a portion of a district were to be removed from a Circuit Judge, he might feel aggrieved, and create considerable difficulty in blocking what, in the public interest, would be a desirable amendment.

The amendment says that "the Minister may, with the consent of the Chief Justice and the Judges of the Circuits involved." That implies, as I take it, the unanimous consent. If one of them be a dissident then the Minister cannot make this alteration. Yet the alteration may be very necessary in the interests of better judicial administration. Then there is a deadlock, and it will become necessary to introduce a Bill to deal with it. There would have to be a short Act doing this in spite of the dissentients. Why not have a majority vote in the matter, or restrict in some way the vetoing power of a Circuit Judge who might feel himself aggrieved? In other words, we are giving too much blocking power to the sense of grievance of

men who might have no other objection but merely that he felt his importance diminished by having the area of his Circuit diminished.

**ATTORNEY-GENERAL:** It is essential that the consent of the Judges affected, should there be Judges in occupation of the Circuits at the moment, should be required before their position would be affected in this particular way. Otherwise it could be suggested that things of that kind were done with ulterior motives, or to bring pressure of one kind or another on the Judges. If a more workable arrangement is in view the probability is that the Judges would be only too happy to fall in with it.

**Professor MAGENNIS:** Might I ask may a Circuit Judge be changed from one Circuit to another or is this the only method? It ought to follow, as a corollary, from the fact that there is only one Court, and that all these constitute the Court that he could be changed.

Amendment agreed to.

Question: "That Section 38, as amended, stand part of the Bill"—put and agreed to.

**ATTORNEY-GENERAL:** I move to report progress.

### THE DAIL RESUMES.

Progress reported.

### THE ADJOURNMENT.

**Mr. O'HIGGINS:** I move the adjournment until 3 o'clock on Tuesday week.

**Mr. JOHNSON:** Can the Minister give us any guidance as to what the programme is likely to be during the month of December, or whether we are to meet in Christmas week or adjourn for Christmas week? Is there any foresight in the matter?

**Mr. O'HIGGINS:** There will be a short adjournment for Christmas.

**Mr. JOHNSON:** May I suggest to the Minister that at least on the day we meet again we should have some in-

[Mr. Johnson.]

formation as to what the procedure for the next two or three months might be, so that we count upon something to help us to carry on our own work, and to know whether we are likely to meet regularly or irregularly, or meet at all?

**Mr. O'HIGGINS:** We will endeavour

by the time the Dáil meets again to be in a position to outline a programme that will enable Deputies to form an idea of what the calls upon them will be.

The Dáil adjourned at 7 p.m. until 3 o'clock, Tuesday, 4th December.

## DAIL EIREANN.

DE MÁIRT, 4adh Mí NA NODLAG,  
1923.

(Tuesday, 4th December, 1923.)

Do chuaidh an Ceann Comhairle i  
gceannas ar a trí a clog.

## CEISTEANNA—QUESTIONS.

## ORAL ANSWERS.

DUTIABLE TRAFFIC AT  
GREENORE.

**TOMAS MacEOIN** asked the Minister for Finance if he is aware that owing to inadequate and unsatisfactory arrangements for dealing with dutiable traffic at Greenore—involving considerable delay and additional expense to traders—inward traffic is being diverted from Greenore to ports outside the Saorstát where better Customs facilities are provided; whether the Saorstát Customs Authorities have received repeated representations on the matter from the London, Midland and Scottish Railway Company, and what steps, if any, he intends taking to remedy a state of affairs calculated to detrimentally affect the port of Greenore and which reflects unfavourably on the efficiency of Saorstát administration.

**MINISTER for FINANCE (Mr. E. Blythe):** As regards the first part of the question, I have no information of any such diversion of inward traffic from Greenore to ports outside the Saorstát. Considerable difficulty in dealing with inward dutiable traffic has been experienced by the Customs Officers at Greenore, partly on account of the diversion of traffic from Dublin to Greenore during the recent labour troubles at the former port, and partly on account of the continued failure of the London, Midland and Scottish Railway Company to provide suitable office and shed accommodation at Greenore. As regards the second and third parts of the question, the Railway Company named have made cer-

tain representations to the Revenue Authorities as to difficulties experienced in obtaining the release of dutiable goods at Greenore. All practicable steps have been taken by the Authorities to enable the Customs Officers to cope with the very heavy pressure of work due to the causes I have mentioned, but these steps cannot be fully effective until the Railway Company have fulfilled their obligations in regard to the provision of suitable accommodation.

## EX-MEMBERS OF R.I.C.

**LIAM O DAIMHIN** asked the Minister for Finance whether it is proposed to make an Order under Section 5 of the Superannuation and Pensions Act, 1923, authorising the grant of pensions, allowances or gratuities to ex-members of the Royal Irish Constabulary, and, if so, whether he can indicate the probable time at which the Order will be laid before the Dáil.

**Mr. BLYTHE:** The Order referred to is at present in course of preparation. I hope to be in a position to have it laid on the Table in a very short space of time.

**Mr. JOHNSON:** Can the Minister give us any indication of the actual time when it will be placed on the table? It has been in preparation for a long time, and I would like if he would tell us whether it will apply only to those who have been before the Inquiry Committee. Would the Minister be able to give the Dáil some information as to the general position regarding those dismissed and resigned R.I.C. men?

**Mr. BLYTHE:** The only thing that I can add now to what I have said is that I hope to have it on the table within a very few days. I regret the delay that has occurred in the matter, but I can promise it will be placed on the table in a very short time now.

**Mr. JOHNSON:** I take it the Minister is aware that there is very great distress amongst many of these men.

**Mr. BLYTHE:** I am aware of that.

CUSTOMS ARRANGEMENTS AT  
DUN LAOGHAIRE.

**Major BRYAN COOPER** asked the

[Major Cooper.]

Minister for Finance whether his attention has been called to the inconvenience caused to travellers by the arrangements for Customs examination at Dun Laoghaire Pier, and whether he will state what steps he proposes to take to deal with the matter.

**MR. BLYTHE:** I am aware that some inconvenience is caused to travellers by the present arrangements for the Customs examination on Carlisle Pier. A certain amount of this inconvenience is inseparable from a Customs examination, even under the most favourable conditions. Steps, however, are being taken to effect such improvements as are practicable; and for that purpose the Commissioners of Public Works have been in communication with the Revenue Department, the London, Midland and Scottish Railway, and the Dublin and South-Eastern Railway Companies. This correspondence has resulted in a Conference between the representatives of the various bodies interested, which is being held to-day.

If the Deputy will postpone his question for some days I may be in a position to give him more accurate information as to the improvements it is thought possible to effect.

### **SUBSIDIES FOR BUILDERS OF HOUSES.**

**MAIGHREAD NI CHOILEAIN BEAN UI DHRISCEOIL** asked the Minister for Local Government whether in view of the shortage of housing accommodation in the Saorstát, and the fact that the building of houses is not an economic proposition, he will formulate a scheme of Grants to persons who build houses for the purpose of letting to tenants; whether, in addition, he will introduce legislation exempting all working class houses so built from taxation and income tax for a period of five years; whether this would not be a preferable way of solving the housing problem to the system of loans and grants to Municipal and other authorities.

**MINISTER for LOCAL GOVERNMENT (Mr. Burke):** The Government

have been considering the problem on the lines indicated in the question. Investigations are being made as to whether any measures can be taken to secure reductions in the abnormally high cost of construction. An announcement on the matter will be made as soon as possible.

### **FEE FARM GRANTS.**

**SEAN MacGIBUIN** asked the Minister for Agriculture when and by what procedure it is proposed that Fee Farm Rents should be redeemed; how, in order to complete the abolition of dual ownership of land, it is proposed to deal with tenants in occupation of holdings under a Fee Farm Grant.

**MINISTER for AGRICULTURE (Mr. P. Hogan):** I would refer the Deputy to the similar question which appeared on the Question Paper for 22nd November.

The method of redemption of Fee Farm and certain other Rents is set out in Section 38 of the Land Act, 1923, and is briefly as follows:—The proprietor of the parcel of land concerned applies to the Land Commission for an advance for the purpose of redeeming the rent payable in respect of such parcel. The said rent and any interest superior thereto, will then be valued and redemption ordered by the Judicial Commissioner. The advance will be made in  $4\frac{1}{2}$  per cent. Land Bonds, and will be repayable by means of an ordinary Land Commission annuity calculated at the rate of  $4\frac{1}{2}$  per cent. per annum.

The Rules governing procedure under this Section will shortly be published.

### **ANNUITIES PAYABLE BY RE-INSTATED EVICTED TENANTS.**

**SEAMUS MacCOSGAIR** asked the Minister for Agriculture whether his attention has been called to the excessive amounts which evicted tenants and those who got new farms as migrants in Galway County are called upon to pay as annuities; whether it would be possible, by extension of time for repayment to the State of the purchase



money, or otherwise, to reduce the annuities payable by such land-holders, so as to afford them relief equal to that obtained by neighbouring land-holders.

**Mr. HOGAN:** It is presumed that the Question has reference to re-instated evicted tenants and migrants on the Clanricarde estate. Statements of the same nature as those contained in the Question have been made, supported by comparison with the annuities paid by ordinary non-evicted occupiers on the same estate. It is true that the latter are generally lower than the former but for the reason that the comparison takes no account of various Free Grants, amounting to about £8,000, made by the Land Commission to the re-instated tenants for buildings, fencing, drainage, etc. If these Free Grants are taken into consideration, representing as they do about seven years' purchase of the rental of the restored evicted tenants, it would mean that the latter were sold their holdings at a lesser number of years' purchase than the ordinary occupying tenants with whom comparison has been made.

It may be added that since the settlement of these evicted tenants, several of them have sold their occupation interests in the holdings and have obtained very high prices therefor.

There can be no question whatever of re-opening completed sales.

### **EVICTED TENANTS AND LAND ACT.**

**Mr. PATRICK F. BAXTER** asked the Minister for Agriculture how soon it is intended to take steps to deal with the claims of evicted tenants coming under the Land Act, 1923; whether it is intended to establish a Commission to hear such claims.

**Mr. HOGAN:** It should be remembered that very large numbers of evicted tenants' claims have already been fully investigated and classified under previous Land Acts. It is the business of the Land Commission to investigate new claims, and it is not intended to establish another Commission to do that work. The Land Com-

mission will investigate these claims as they acquire the various estates, but it will deal with urgent cases of congestion among existing tenants before dealing with any large number of evicted tenants.

### **TENANTED LAND."**

**SEAN MacGIBUIN** asked the Minister for Agriculture whether he is aware that lands held and worked by occupying tenants do not come within the meaning of the term "tenanted land," because such tenants occupy holdings under "Fee Farm Grants," whether it is intended to introduce legislation rectifying this anomaly and to permit of arrears of rent under a Fee Farm Grant being compounded, in accordance with Section 20 of the Land Act, 1923.

**Mr. HOGAN:** I am not aware that lands held and worked by occupying tenants do not come within the meaning of the term "tenanted land." I am aware, on the contrary, that the term "tenanted land" means, under the Land Act, 1923, land held and worked by occupying tenants. Fee Farm Grantees are not tenants; they are Fee Farm Grantees. A very large number of the landlords from whom we will be acquiring land compulsorily for the purposes of the Act, hold their land under Fee Farm Grants or long leases. Therefore, the same terms could not be given to Fee Farm Grantees as are being given to tenants. The Land Act, 1923, however, makes special provision for Fee Farm Grantees who hold land which the Land Commission do not require for re-sale to congests. As explained already under Section 38 of the Act, these Grantees are enabled to redeem their head rents. They could not get the benefits of the provisions of the arrears Sections; the arrears Sections were framed for the relief of tenants.

**Mr. HEFFERNAN:** Arising out of that answer, I would like to ask the Minister for Agriculture if the Land Commission has compulsory power to force the owners of those Fee Farm Grants to sell the land to the Fee Farm Grantees, or if it is only optional in the circumstances?

**Mr. HOGAN:** There is no question of forcing the owner to sell to the tenant in any case. But it is optional. The tenant may apply to the Land Commission, apart from the wishes of the landlord to have the rent redeemed, and the Judicial Commissioner must fix the redemption price. The Land Commission will then make an advance to the Fee Farm Grantee or Lessee for the amount of the advance necessary to redeem it. It is a matter entirely for the Grantee, and it does not concern the Land Commission.

### **COLLECTION OF COMPOUNDED ARREARS OF RENT.**

**MICHAEL O HIFERNAIN** asked the Minister for Agriculture whether in view of the fact that a considerable amount of uncertainty exists as to the methods and approximate date of collecting the balance of the compounded arrears of rent in accordance with the provisions of the Land Act, 1923, he will give an indication as to how and when this is to be brought about, whether the Minister can give any approximate indication of when the Appointed Day will be fixed in regard to the sale of tenanted land, in cases where there is no obstacle to the administration of the Land Act, 1923.

**Mr. HOGAN:** At the present stage it is not possible to give a reply to the first part of the Question. The procedure to be adopted and the approximate date for collecting the balance of the compounded arrears of rent will depend on the amounts to be collected after the first year's payment, which is now in course of collection and this information is not yet available, and will not be available until we have complete accounts made out in regard to the first year's arrears.

As regards the second part of the Question, provisional lists of lands to be vested in the Land Commission under the Act have been published in respect of eight estates situate in the Counties of Cork, Donegal, Dublin, Clare, Kildare, Limerick, and Offaly. Upon the expiration of two months from such publication, if in the meantime no objections have been entered to such lists, the Land Commission will

take the necessary steps with a view to publishing the final lists and to declare the "appointed day" or days for these lands.

Further Provisional Lists are being prepared from the particulars furnished under the Acts and will be published in the "Gazette" from time to time as soon as practicable.

There is not to be one appointed day, but according as the Land Commission has got sufficient particulars to prepare the lists, they will be published so that cases that are ready for vesting will not have to wait for cases that are not ready, as would be the case if one appointed day were to be declared.

### **REINSTATEMENT OF EVICTED TENANTS.**

**MICHAEL O HIFERNAIN** asked the Minister for Agriculture what steps should be taken by evicted tenants in order to secure reinstatement in their original holdings or to secure an alternative grant of land in accordance with the provisions of the Land Act, 1923; when will the rules governing the reinstatement of evicted tenants in accordance with the provisions of the Land Act, 1923, be published.

**Mr. HOGAN:** I would refer the Deputy to my reply to Deputy Baxter's Question to-day on the same subject. I need only add that it is open to evicted tenants to put their claims in writing and send them to the Secretary of the Land Commission.

### **RENT PAYMENTS.**

**Mr. P. J. EGAN** asked the Minister for Agriculture whether rent payments made on and after the second gale day in 1920 are to be deducted from the three years' compounded arrears of rent allowed to landlords under the 1923 Land Act, and, if so, whether he is aware that many Land Agents are refusing to make such allowances, and what action will be taken in such cases.

**Mr. HOGAN:** Section 19 (2) of the Land Act, 1923, specifies that any payment of rent made by a tenant after the second gale day in the year 1920 shall be appropriated to the rent which

accrued since the first gale day in that year.

In cases where a landlord in his statement of the amount due by a tenant has not given credit for allowances to which under the Act a tenant is entitled, the latter shall at once lodge with the Land Commission a notice in writing of his objection, which shall then be dealt with and decided in accordance with the Provisional Rules on the subject issued by the Land Commission on the 18th August of this year.

### ARMY TOURING CARS.

**Mr. DARRELL FIGGIS** asked the Minister for Defence how many touring cars there are in the possession of the Army, and of what types, and the capital cost of these in the aggregate, what is the monthly cost for the running and upkeep of these cars, what officers are entitled to use the cars of each type, what duties require the allocation of each type, what is the form of authorisation given for such use of touring cars, and what is the basis of allocation of such cars for the use of officers.

**MINISTER for DEFENCE (General Mulcahy):** There are in the possession of the Army 285 touring cars, as follows:—

207 Ford	Touring Cars
25 Crossley	" "
2 Dodge	" "
15 Vauxhall	" "
6 Overland	" "
4 Rover Sunbeam	" "
1 Star	" "
2 Hupmobile	" "
4 Hudson	" "
1 Buick	" "
1 Angus Sanderson	" "
1 Clement Talbot	" "
1 Benz	" "
11 Fiat	" "
1 Briscoe	" "
1 Chandler	" "
1 Wolseley	" "
1 Metalurgique	" "

Many of these are cars seized or commandeered during the recent fighting. They are not all in use. The following are particulars in respect of cars which are in use:—

Ford	Touring Cars ... 115
Crossley	16
Dodge	2
Vauxhall	9
Overland	1
Rover Sunbeam	4
Hudson	1
Buick	1
Angus-Sanderson	1
Fiat	6

Total 156

Of which, roughly, 25 per cent. are off the road at all times for overhaul or light repairs.

It is not possible to state the actual capital cost of these cars. They come under four headings:—

(1) Cars taken over from the British Government at the time of evacuation by the British forces and in respect of which no specific sale figure is yet agreed on.

(2) Cars of various types that fell into the possession of the Army during the recent fighting.

(3) Cars commandeered from private owners.

(4) 25 new Ford Touring Cars at a cost of £130 each.

It is not the practice to keep a separate account in respect of the running and upkeep of each particular car. The average monthly cost for repairs and upkeep is £28 per car in use.

The duties of the Senior Officers attached to G.H.Q., Command Headquarters, and Special Services are such as make it essential to allocate touring cars to them individually. In the cases of Branches of the Administrative Departments of the Army the allocation is not made to officers, but to the particular branch. In allocating cars to officers or departments the type of car is not taken into consideration.

In the case of cars allocated to certain individual officers, the car is officially allocated in Departmental Routine Orders, and the officer concerned is responsible for the proper use of the car. In the case of cars allocated to Departments the head of the particular Department is held responsible for the proper use of the car. Each driver carries in his possession a Duty Order indicating his duties, journeys undertaken, etc.

**Mr. DARRELL FIGGIS:** Will the Minister state if such allocation is made to Officers strictly for service duty only, and not for private purposes, and secondly, if there are any regulations governing the matter, would he give those regulations?

**General MULCAHY:** The allocation is made strictly for official duties. I will see what regulations are available in the matter, and have a copy sent to the Deputy.

**Mr. WILSON:** Do these cars pay the ordinary tax which the motor cars of private individuals pay?

**General MULCAHY:** They are not liable to pay the ordinary road tax.

### **SOLDIERS' UNEMPLOYMENT CONTRIBUTIONS.**

**TOMAS MacEOIN** asked the Minister for Defence whether a soldier who prior to joining the Army was a contributor under the Unemployment Insurance Acts, but had exhausted his contributions and was then no longer entitled to benefit, would, on discharge from the Army, be credited with the special contributions provided for in Section 7 of the Unemployment Insurance Act, 1923.

**General MULCAHY:** It appears that this question arises out of a reply which I gave to a question asked by Deputy Alderman Byrne on the 25th September last, and which I regret to say, was not accurate. The words "to their credit" in that reply involves a misinterpretation of Section 7 of the Unemployment Insurance Act, 1923, in as much as they imply that the contributions due from the Minister under the first part of that Section, would not be payable if all contributions paid in respect of a soldier prior to enlistment, had been exhausted as regards right to benefit. That implication is not in accordance with the law of the case. Regardless of the amount of benefit that has been paid to him prior to enlistment, every soldier

who enlisted in the Army for any period not exceeding twelve months,

or  
who enlisted before 1st May, 1923, for a period of service which terminated on or before 1st May, 1924,

and  
who, in addition, prior to the date of enlistment had had paid in respect of him under the Unemployment Acts either twenty contributions at any time or ten contributions since the 8th day of November, 1920,

shall have paid on his behalf by the Minister for Defence contributions, so as to secure that there shall be not less than twelve contributions to his credit in respect of each insurance year, during which year, or part of which, he has served in the Army.

In short, and generally speaking, the reply to the Deputy's question is, therefore, in the affirmative. The fact that pre-enlistment contributions had or had not been exhausted in any particular case, does not affect the matter.

### **FORCES OF PROVISIONAL GOVERNMENT.**

**MICHEAL O hAONGHUSA** asked the Minister for Defence whether he is prepared to consider payment of accounts due to traders for goods supplied to the Forces of the Provisional Government which occupied military and police barracks and other buildings throughout the Saorstát from January to June, 1922, inclusive.

**General MULCAHY:** Accounts from traders for goods supplied to forces of the Provisional Government occupying Military and Police Barracks and other buildings throughout the Saorstát from 1st February to 28th June, 1922, will be considered, and if it is proved that the goods were supplied to and were necessary for the maintenance of forces loyal to the Provisional Government, and the prices charged are reasonable, the accounts will be paid.

**Mr. HOGAN (Clare):** Arising out of that answer I would like to ask the Minister whether he considers the orders issued to the different merchants throughout the country for goods for the maintenance of those

troops will be considered as Army Orders?

**General MULCAHY:** That would require some consideration, in view of the different circumstances in which orders were given, or alleged to have been given, on behalf of the Provisional Government.

### COMMANDEERED CARS.

**Mr. D. J. GOREY** (for **Mr. Patrick McKenna**) asked the Minister for Defence whether he is aware that responsible officers under Captain Callaghan commandeered from Mrs. Sarah M. Donlon, Longford, on the 7th August, 1922, her five motor cars and returned same through Captain D. Molloy, Transport Officer, on the 13th August, 1922, seriously damaged and injured, whether Mrs. Donlon's account for damage and injury to the cars, particulars of which have been supplied, together with an account for motors supplied to the Army in the months of September and October, 1922, and in the months of April and May, 1923, amounting to £507 2s. Od., have not been paid, whether repeated applications with particulars have been supplied, and why payment of this account has been so long delayed.

**General MULCAHY:** The five cars in question were not commandeered for military use. They were taken on the 7th August, 1922, because they were being used by claimant's son to carry arms and ammunition for Irregulars. Her son was arrested on the same day. The cars were returned to her on the 13th August, 1922. While in military custody they were used only when no other transport was available, and were properly cared for. When handed back they are stated to have been in as good a condition as when taken. Claimant was requested to send a mechanic to the Barracks to have the cars examined before being returned, but she refused to do so.

A claim for £460 16s. Od. for alleged damage to the cars while in military custody, has been furnished, and is at present under investigation. Hirage accounts amounting to £33 18s. Od. for September and October, 1922, and

April and May, 1923, have been received. Their settlement has been unduly delayed, but is receiving attention at present.

**Mr. GOREY:** Arising out of the Minister's answers, I desire to ask what importance he would attach to that paragraph in the answer in which it is mentioned that the cars, when handed back, "were stated to have been in as good a condition as when taken"—how much reliance does the Minister place upon that?

**General MULCAHY:** The statement is made on the authority of our responsible officer.

**Mr. GOREY:** Well, we know in what condition the cars are when they are handed back. We know the state they are in.

### UNTRIED PRISONERS.

**AILFRID O BROIN** asked the Minister for Defence if he will state the number of untried prisoners at present in prisons and internment camps in the Free State; if he will state the number released since the 1st November, if he will state the number released since the hunger strike was declared off, and if efforts will be made to speed up the release of those still detained.

**General MULCAHY:** The number of untried prisoners at present in military custody is 4,955. The number which has been released since the 1st November is 2,647, which includes 714 released since the hunger-strike terminated. Prisoners are being released as quickly as considerations of public safety will permit.

### A. ROSCOMMON SHOOTING.

**SEAMUS MacCOSGAIR** asked the Minister for Defence if he is aware that on 28th September, 1923, Peter Barrett, aged 21 years, of Kiladerry, Ballyforan, Ballinasloe, was, accidentally or otherwise, shot by a Volunteer of the National Army while attending a dance at Coolgarry, Co. Roscommon, and died on the following morning; whether the military raid during which the fatality took place was duly authorised by the

[Séamus MacCosgair.]

military authorities; whether he is aware that the deceased belonged to no party or association hostile to the Government, and that he was a young man of unblemished character; and whether any steps have been taken or will be taken to compensate John Barrett, the father of deceased, for the loss he has sustained by the death of his son.

**General MULCAHY:** Peter Barrett was fatally wounded during the course of a military raid on a house at which a dance was being held. The raid was duly authorised and was made in search of certain Irregulars, who were captured. I am aware that Barrett belonged to no party or association hostile to the Government. The soldier who fired the fatal shot was handed over to the civil authorities for trial on the 15th October last.

I regret that the claim for compensation cannot be entertained, as there is no legal liability attaching to the military in a case of this nature.

### ARMY ACCOUNTS.

**MICHAEL O HAONGHUSA** asked the Minister for Defence whether he will immediately consider the necessity for setting up in Cork a small Committee to investigate and assist in expediting the payments of the numerous claims in Cork City and County for motor vehicles, motor cycles, boats, etc., commandeered by National Troops and in many cases damaged while being used by the troops during operation.

**General MULCAHY:** Arrangements have already been made for the inter-departmental Commandeered Motor Vehicles Committee to sit locally in various districts in An Saorstát so as to expedite the settlement of the claims referred to. That Committee is sitting in Cork to-day.

**TOMAS O CONAILL** asked the Minister for Defence if compensation has yet been paid to Messrs. Hoary and Tully, Mental Hospital Attendants, Ballinasloe, on account of their bicycles which were commandeered by the Military Authorities over twelve months ago.

**General MULCAHY:** Compensation has not been paid in these cases. It is hoped it will be paid at an early date.

**TOMAS O CONAILL** asked the Minister for Defence if he can state the reasons for the delay in paying the account due by the Army Authorities to Mr. James McMahon, victualler, Woodford, Co. Galway, for which application has been repeatedly made by Mr. McMahon personally and by his solicitors.

**General MULCAHY:** Amounts totalling in all over £200 have been paid to Mr. McMahon, and no outstanding accounts can be traced.

### WRITTEN ANSWERS.

#### ARMY ACCOUNTS.

**TOMAS O CONAILL** asked the Minister for Defence if he can state the reasons for the delay in making payment to Mr. James O'Donohoe, Motor Driver, Gort, Co. Galway, for work done and cars supplied during the early summer of 1922, whether he is aware that Mr. O'Donohoe's business is practically ruined because of the financial embarrassment caused by the delay in dealing with his case, and whether he will consider the advisability of making a substantial payment on account if there is any further investigation needed before the matter is finally settled.

**General MULCAHY:** Mr. James O'Donohoe provided two Ford cars for transport services, and drove one car personally. He was supplied by the Army with petrol and oil to the value of £40, and repairs to his cars cost the State £44 16s. 0d. He was billeted at Army expense from June, 1922, to February, 1923, and in addition received payments amounting to £287 15s. 6d.

Consideration of his claim is near completion, and it is regretted that it is not feasible at present to make a further payment on account.

**Mr. PATRICK W. SHAW** asked the Minister for Defence if he will expedite payment of account for £181 7s. 9d. due to Messrs. H. Milligan and Co., Athlone, the items of which have been

certified as correct by the Command Quartermaster, Athlone, and were supplied in September, 1922.

**General MULCAHY:** A cheque for the amount claimed by Messrs. Miligan and Co., less £4 18s. 0d., for overcharges, has been issued.

**MICHEAL O HAONGHUSA** asked the Minister for Defence whether he is aware that Patrick Morrissey, Motor Agent, Youghal, Co. Cork, presented many months ago for payment to the Military Authorities, bills certified by the local accounts officer for work done for the troops, cars supplied them, and for cars damaged by them, etc., and if he will state when the account will be disbursed.

**General MULCAHY:** Consideration and certification of Mr. Morrissey's account is not yet complete, but part of the account will be paid at an early date.

**Mr. PATRICK W. SHAW** asked the Minister for Defence if he will expedite the payment of an account due Messrs. Fallon and Son, Mullingar, of £94 17s. 6d., detailed statements of items having been several times supplied.

**General MULCAHY:** Consideration of the account of Messrs. Fallon and Son will be expedited, and, if it is in order, it will be settled at an early date.

#### THE PRISONS' SERVICE.

**AILFRID O BROIN** asked the Minister for Home Affairs whether it is the intention of the Government to alter the existing system in the prisons' service as it applies to the officers generally, whether it is the intention to allow the existing ranks and classes to lapse according as the existing officers pass out of the service, and, if so, whether he will confer with the prisons' officers' representative body before any steps are taken to abolish those ranks and classes; further, whether he is aware that at the present moment the many duties common to the prisons are being carried on under serious disadvantages consequent on the failure to fill vacancies in promoted posts due to officers retiring under Article X of the Treaty,

whether he will now take steps in the interests of efficiency as well as economy to have the numerous vacant promoted posts filled and so prevent a further swelling of the pensions list by further large numbers of retirements from the service.

#### MINISTER for HOME AFFAIRS

**(Mr. O'Higgins):** It has not been decided to alter generally the existing organisation of officers in the Prisons Service. The decision as to the filling of any vacancy which arises in any rank is determined solely by the necessities of the service. While every consideration will be given to the reasonable representations of the Prisons' Officers' Representative Body, I cannot see that any good purpose would be served by a conference such as that suggested. I am satisfied that the existing arrangements do not involve any disadvantage in the carrying out of prison duties, and I cannot accept the suggestion that the interests of efficiency or economy would be served by the making of appointments to posts which experience may have shown to be unnecessary.

#### PAYMENT TO ASYLUM OFFICIAL.

**Mr. P. W. SHAW** asked the Minister for Local Government if he will sanction payment of a sum of £50 unanimously passed by the Joint Committee of Management of Mullingar Asylum to Christopher Crowley, who resigned his position after 36 years' service through ill-health, whether similar gratuities have been sanctioned recently under the same circumstances to the late head attendant and head nurse.

**Mr. BURKE:** There is no statutory authority under which a gratuity could be granted to Attendant Christopher Crowley on retirement in addition to the pension which the Joint Committee awarded him. The gratuities granted in similar circumstances in the year 1919 and 1920 were not sanctioned, and should not have been paid. I am making further inquiries into the position as regards these payments.

#### ORDER OF BUSINESS.

#### MINISTER for HOME AFFAIRS

[Mr. K. O'Higgins.]  
**(Mr. K. O'Higgins):** I wonder would it meet the convenience of the Dáil, to take after Item 1, Item 7, which is the Committee Stage of the Gaming Bill. I have received no amendments to that Bill, and I imagine, therefore, it would be disposed of in a short time.  
 Agreed.

### **THE EXPIRING LAWS BILL, 1923— FIRST STAGE.**

**ATTORNEY-GENERAL:** I wish to ask leave to introduce the Expiring Laws Bill, which keeps alive the Acts which would, in the ordinary course, expire at the end of this month. It will be observed that the title differs from the usual title, "Expiring Laws Continuance Bill." The reason is that in this Bill we propose to make permanent a few of the non-controversial Bills which have been repeated for a number of years, and which it is thought would be made permanent now.

Motion put, and agreed to.

Second Stage ordered for Tuesday, 11th December, 1923.

### **DAIL IN COMMITTEE.**

### **GAMING BILL, 1923—THIRD STAGE**

Sections 1, 2 and 3 put and agreed to.

Question "that the title stand part of the Bill," put and agreed to.

### **THE DAIL RESUMES.**

**AN CEANN COMHAIRLE:** The Bill is reported, without amendment.

**Mr. O'HIGGINS:** I ask that the next Stage be taken now.

**Mr. JOHNSON:** I think, before we agree to this, we should have some reason for its urgency. I have no objection to it, but I think that where there is any departure from the Standing Orders, we should have some reason for the departure.

**Mr. O'HIGGINS:** Short as the Bill is, it is an important Bill, and any day a trustee might find himself in the

position of having to sue for the recovery of payment made by cheque by a deceased person during his life. Any day the executors of a deceased bookmaker might find themselves in the position of being bound to sue for the return of all payments made by that bookmaker to his clients. In view of the fact that no amendments have been put in, and that there is a general measure of agreement with regard to the Bill, we ought to recognise its urgency, and pass it through its final stages without delay.

**Mr. JOHNSON:** I am agreeable.

**Mr. O'HIGGINS:** I move that the Bill be received for final consideration.

Agreed to.

**Mr. O'HIGGINS:** I move that the Bill do now pass.

Agreed to.

**AN CEANN COMHAIRLE:** The Bill will accordingly be sent to the Seanad.

### **PRIVATE BILL PROCEDURE— SECOND REPORT OF COMMITTEE.**

**PADRAIC O MAILLE:** Ba mhaith liom an tuarascabhaíl seo do chur os comhair na Dála. Sílim go mba cheart go nglacfaí leis gan díospóireacht, mar tá go leór Billí chun teacht os comhair an Choisde. Bhí trí cruinnighe de'n Choisde seo agus na leasuithe a tháinig ó'n Dáil agus ó'n Seanad glacadh leis an cuid ba mhó diobh. Bhí leasú nuadh ag tabhairt comhaicta do'n Choisde glacadh le Bille Príomhadach a caith-eadh amach as an t-Seanad. Ba choir go geuirfí an leasú sin ins na mBuan-Orduichte. I d-taobh ceist an airgid ní bheidh cosdas na mBille annso leath co-trom agus mar atá sé thall i Sasana.

I wish to propose that the report of the Joint Committee be adopted. There have been three meetings of the Joint Committee. A number of amendments were referred to the Joint Committee by the Seanad and the Dáil, and most of these amendments have been adopted. There has been a new amendment inserted, empowering the Dáil to deal with a Private Bill, in case this Bill had been rejected in the Seanad. That was a necessary amendment to be



inserted in the Standing Orders. As regards the financial side, promoters of Bills can have their Bills dealt with in the Oireachtas, at less than half the cost at present imposed on the promoters of Bills in the English Parliament. The amendment was suggested from this Dáil to reduce the cost, and we went as far as we thought was practicable to meet the promoters of that amendment. As there are a number of Private Bills awaiting introduction, I think it is important that those Standing Orders should be adopted. In connection with the Standing Orders it would be also necessary to have a change made in the date allowing the promoters of Bills more time, and it would be also possible to have Bills introduced twice a year for the first two years. When this motion is seconded, I have two further resolutions to move.

**Mr. D. McCARTHY:** I second the motion.

Motion—"That the Second Report of the Joint Committee on Private Bill Procedure be adopted," put and agreed to.

**PADRAIC O MAILLE:** I beg to move "That Standing Orders relative to Private Bills be printed."

**Mr. P. HUGHES:** I second the motion.

Motion put and agreed to.

**PADRAIC O MAILLE:** I beg to move—"That during the current session the promoters of any Private Bill may publish the notice of intention required by Standing Order 8, during the months of December and January, instead of October and November, and that the dates for the deposit of plans and documents, the notice to owners, the deposit of copies of the Bill, and of petitions against the Bill shall be correspondingly altered."

**Mr. P. HUGHES:** I second the motion.

Motion put and agreed to.

**Mr. DARRELL FIGGIS:** In regard to the printing, I would like to ask if one may assume that these Orders will be printed in a shape conformable to Vol. 5.

that of the present Standing Orders, so as to make a companion volume?

**AN CEANN COMHAIRLE:** Yes, that is the intention.

### DAIL IN COMMITTEE.

#### COURTS OF JUSTICE BILL, 1923.

**AN CEANN COMHAIRLE:** On the motion of Deputy Johnson, the Dáil resolved itself into Committee to consider amendments sent in for the Report Stage. The Dáil will therefore go into Committee on these amendments.

**ATTORNEY-GENERAL:** The Dáil had passed twelve of the amendments on the paper at the adjournment. The next amendment is number 13, which proposes to delete Section 41. It is as follows:—

"To delete Section 41, page 10, and to substitute in lieu thereof the following new section:—

The age of retirement of Circuit Judges shall be 70 years, but the Executive Council may, after consultation with the Chief Justice and the Attorney-General, extend the age of retirement in the case of any Judge to 75 years."

That amendment relates to the retiring age of Circuit Judges, and it will be remembered that the President stated in Committee that it was proposed that the extension of the retiring age should be made by the Executive Council after consultation with the Chief Justice and Attorney-General. This amendment gives effect to that undertaking.

**Major BRYAN COOPER:** I would like to thank the Attorney-General for his action in this matter.

Amendment put and agreed to.

**ATTORNEY-GENERAL:** I beg to propose Amendment 14, which is—"To delete Section 42."

This amendment proposes to delete Section 42 in pursuance of an undertaking that there would be an amended form of declaration for all Judges. That will now be found in Amendment 14, which I will move later.

Amendment put and agreed to.

**MINISTER for FINANCE (Mr. Blythe):** I beg to move the following amendment:—

“To delete Section 43, and to insert in lieu thereof the following new section:—

Every Circuit Judge shall receive a salary of £1,500 per annum, together with an addition or bonus thereon calculated at the rate for the time being applicable to the case of a civil servant in receipt of the like salary with the right to bonus thereon. Every Circuit Judge who resigns or otherwise for any cause vacates his office after having completed fifteen or more years' service shall be entitled for his life to a pension amounting to two-thirds of his salary at the time he resigns or vacates his office, and every Circuit Judge who vacates his office owing to age or permanent infirmity, after having completed five or more years' service and less than fifteen years' service shall be entitled to a pension calculated at the rate of one-sixth of his salary at the time he vacates his office, with the addition of one-twentieth of his said salary for every completed year of service in excess of five such years.”

I think this meets the difficulty that has arisen over this matter. It provides that every Judge who has given reasonable service shall be provided for at a reasonable rate.

**ATTORNEY-GENERAL:** I should point out that there is a slight error in the text of the amendment as printed. In the fourth line from the end, after the word “entitled,” the words “for his life” should be inserted. This amendment will give Circuit Judges in the present year a salary of £1,736. I should like to point out that this amendment provides for the contingency mentioned of the possibility of a Judge retiring unduly soon after appointment. The provision at the end of the Section covers that point.

**Mr. DARRELL FIGGIS:** Perhaps the Attorney-General might state exactly what cause there is for inserting these words, “together with an addition or bonus.”

**The PRESIDENT:** I was going to intervene to ask the Minister for Finance to agree to a fixed figure in this case in order to meet the case put forward by several Deputies, both here and outside, during the early stages of the discussion on this matter. This is the one instance in the Bill in which, I think, a bonus is attached to salary. I think the Minister was agreeable to have a sum fixed at £1,700, without any bonus. If there was general agreement we might get that alteration made now.

**Mr. BLYTHE:** Since this amendment was put in I had a further discussion on this matter with the Attorney-General, and in view of the fact that the salaries of the District Justices are of a fixed amount, and those of the High Court and Supreme Court Judges are also fixed, I think it is probably undesirable to have a salary and bonus in the case of this one particular class. In these circumstances, I am agreeable to a fixed salary of £1,700. It will cost the State something less than £1,500 with bonus. I think the additional cost will be very slight, because we will not have the cost of living bonus fall very much below its present figure—certainly not more than twenty or thirty points, for a very long time. Under those circumstances, it will involve very little extra cost.

**The PRESIDENT:** That would mean altering the figure £1,500 to £1,700.

**AN CEANN COMHAIRLE:** The amendment would, therefore, be to delete the figure “£1,500” and to insert £1,700, so that it would read: “Each Circuit Judge shall receive a salary of £1,700 per annum, and delete all words to the end of the sentence, and the new Section would read:—

Every Circuit Judge shall receive a salary of £1,700 per annum. Every Circuit Judge who resigns or otherwise for any cause vacates his office after having completed fifteen or more years' service shall be entitled for his life to a pension amounting to two-thirds of his salary at the time he resigns or vacates his office, and every Circuit Judge who vacates his office owing to age or permanent in-

firmity, after having completed five or more years' service and less than fifteen years' service shall be entitled for his life to a pension calculated at the rate of one-sixth of his salary at the time he vacates his office, with the addition of one-twentieth of his said salary for every completed year of service in excess of five such years.

**Mr. ALFRED BYRNE:** Might I ask whether anything could be done in the case of Judges getting pensions for their lives, and who are going away, to induce them to take up their residence in Ireland, instead of taking the money out of this country entirely? I understand that arrangements are being made by some of the Judges about to retire to leave the country and reside in England, drawing their money from the State here and spending it elsewhere. Perhaps some consideration could be given to that matter.

**Mr. DARRELL FIGGIS:** Perhaps Deputy Byrne would explain what he means by the words "some inducement."

**The PRESIDENT:** I think the Deputy refers to the case of Judges who do not come under the provisions of this Bill. I take it—and I think I can speak with some certainty—that it is not likely there will be anything in the nature of a trek of the Judges who are to be appointed under this Bill, and possibly if there will be a trek at all, it will be, on the part of those who left, back again into this country. As to those who left, or intend to leave, we have no control over them. They are part of a bargain we have made, and if they do not intend to remain here, I do not think any inducement we could give them would cause them to change their mind.

**Mr. JOHNSON:** Is it a fact that these Judges under this bargain are paid their pensions out of the Saorstát Funds, or are they paid out of British Imperial Funds?

**The PRESIDENT:** Their pensions are paid, as regards a considerable portion of them, from funds of the Saor-

stát, and are paid, so far as we are concerned, in accordance with an agreement. I understand the British Government has made up the difference between that and their salaries, except in a few cases. But it must be understood that their pensions are primarily charged upon the British Consolidated Fund, and, then, the British make application to us for the portion of the charge for which we are liable under the bargain made.

**Major BRYAN COOPER:** I would like, before we pass this amendment, to ask the Minister for Finance what the cost of this will be? Am I right in thinking it cannot be more than £1,600 a year, and may I ask how far that increased expenditure will be met by the passing of the last amendment which raised the retiring age and obviated the necessity of granting pensions to men at an early age, and, also, which provided that men who retire after three or four years of office, will not get the full pension. Will the whole cost of this additional £200 a year to the Circuit Judges not be balanced by the saving effected by the adoption of the last amendment?

**Mr. BLYTHE:** As a matter of fact, without taking into account the factors to which Deputy Bryan Cooper refers, it will cost less to give £1,700 as a flat rate than to give £1,500 with bonus. I cannot say what the exact amount of the difference will be, but without making any calculation, and taking into account the factors which the Deputy has mentioned, I believe it will cost less under this new provision than if the old provision were retained. I think the total amount this amendment will involve will be limited to £1,500. It adds nothing to the cost of the Judiciary as a whole.

**Mr. JOHNSON:** I take it that the principle involved in this, that it is unlikely that there will be any depreciation in the cost of living, will apply to Civil Servants generally.

Question: "That the new Section, as amended, be added to the Bill"—put and agreed to.

**Mr. BLYTHE:** I beg to move Amendment 16, to delete in Section 46

[Mr. Blythe.]  
lines 30 and 31, page 11, the words "On such terms as to payment of the deputy out of the salary of the Circuit Judge or otherwise," and to insert in lieu thereof the words "at such remuneration."

The reason for putting forward this amendment is this, that the Circuit Judges will work ten months in the year, as compared with the three or four months in the year worked by the County Court Judges. While it might have been all right to make the expenses of a deputy chargeable on the salary of the County Court Judge whose working year was very slender, it is thought it would be too onerous to put it on the Circuit Judge, who will have a very heavy year's work. It is in view of that, that the amendment is put forward.

Amendment put and agreed to.

Question "That Section 46, as amended, ordered to stand part of the Bill," put and agreed to.

**Mr. BLYTHE:** I beg to move Amendment 17 as follows:—

"After Section 49 (vi.), line 22, page 12, to insert an additional clause as follows:—

(vii.) In proceedings at the suit of the State or any Minister or Government Department or any officer thereof to recover any sum not exceeding £300 due to or recoverable by or on behalf of the State, whether by way of penalty, debt, or otherwise, and notwithstanding any enactment now in force requiring such sum to be sued for in any other court."

This amendment is put forward for the purpose of enabling small debts due to the State to be sued for in the Circuit Court. It is felt that it will be to the advantage of the State, and to the debtors of the State, if it is possible to have these debts sued for in the Circuit Court rather than in the High Court only.

Amendment put and agreed to.

Question: "That this Additional Section be added to the Bill"—put and agreed to.

**ATTORNEY-GENERAL:** I beg to move Amendment 18:

"In Section 49 to delete lines 23 to 37, page 12 included, and in line 37 to delete the word 'also.'"

This amendment proposes to delete from Section 49 a proviso dealing with the jury matters in a Circuit Court and with certain topics which are common both to the High Court and Circuit Court. It is thought preferable that they should be put in a single clause at the end of the Bill, and that is now proposed to be done by Amendment 40.

Amendment put and agreed to.

**ATTORNEY-GENERAL:** I beg to move Amendment 19 as follows:—

"To delete Section 62 and to insert in lieu thereof a new Section as follows:—

"Save as in this Act is otherwise expressly provided, an appeal shall lie from any judgment or order of the Circuit Court in civil cases to two judges of the High Court sitting in Dublin. If such two judges agree in their opinion, their decision shall be final unless they certify that their decision involves a question of law or fact of such importance as to be fit to be the subject of an appeal to the Supreme Court, in which case an appeal shall lie at the instance of any party from the decision of such two judges to the Supreme Court. If such two judges differ in their opinion, they shall affirm with costs the judgment or order appealed against, and an appeal shall lie at the instance of any party from such affirmation to the Supreme Court."

This amendment is introduced to meet certain objections put forward by Deputy Redmond and Deputy Magennis on the subject of appeals from the Circuit Court to the High Court. In the Bill, as it stands, there was a provision that the appeal should be, in the first instance, to two Judges of the High Court, with power of further appeal, in case of their disagreement, to the same Court with a Judge of the Supreme Court of Appeal added. That form of proceeding apparently has not been found acceptable, and this amendment sets out a new proposal which, I think,

will be found more acceptable. Under this amendment, an appeal can be taken from the Circuit Court to two Judges of the High Court, and, if they agree, their decision will be final, unless they certify that there is some question of law or of importance that should be taken further. If they disagree, then the decision of the Court below is to stand, subject to the right of a further appeal to the Court of Appeal, which is to be open to either party as of right. I think this is a simple proceeding, and is a reasonable way of meeting the objections that were raised. The new Section will read as I have moved it above. I believe I can say that the amendment, in the form of this new Section, meets with the approval of the Bar.

**Mr. A. BYRNE:** I have not a copy of the Bill before me, but as well as I recollect this amendment deals with a Section under which two Judges, and two Judges only, shall be allowed to give a decision, a majority decision of the Court, and that the opinion of the third Judge, although he differs from the other two Judges, is not to be announced. I think this is a rather grave mistake.

**ATTORNEY-GENERAL:** I should like to point out that the Deputy is mistaken in his view. Apparently he has not read the Section.

**Mr. BYRNE:** The Attorney-General in his statement, said that the decision of the two Judges would be final. I think if the third Judge disagrees with them in their judgment, that his opinion ought also to be announced.

**AN CEANN COMHAIRLE:** I should like to point out to the Deputy that there are only two Judges. There is no question of a third Judge.

Amendment put and agreed to.

Question: "That the new Section be added to the Bill"—put and agreed to.

**ATTORNEY-GENERAL:** I beg to move Amendment 20, which is to delete Section 63. This amendment is consequential on the previous one, Amendment 19.

Amendment put and agreed to.

**ATTORNEY-GENERAL:** I beg to move Amendment 21 as follows:—

In Section 67, line 49, page 14, to add immediately after the word "Ireland" the following words:—

"Provided that at least two members of the Committee shall be certified by the Minister for Home Affairs as possessing an adequate knowledge of the Irish language."

This amendment gives effect to an undertaking which I gave here to

Deputy O'Maille that some 4 o'clock. provision would be introduced making it necessary

to have on the rule-making authority some members who would be familiar with the Irish language, and who would, consequently, be capable of making rules which would provide for its use without inconvenience and without disadvantage to the parties interested.

Amendment agreed to.

Section 67, as amended, ordered, to stand part of the Bill.

**ATTORNEY-GENERAL:** I beg to move Amendment 22:—

"To delete Section 69."

That Section provided for laying certain Rules of Court before the Oireachtas. It is now proposed to have a Section at the end—Amendment No. 46—which covers the Rules of all Courts.

Amendment agreed to.

**ATTORNEY-GENERAL:** I beg to move Amendment 23:—

In Section 72, line 30, page 15, to insert immediately after the figures "1923" the following words:—

"But service as a judge of the Dáil Supreme Court as defined in the Dáil Eireann Courts (Winding-Up) Act, 1923 (No. 36 of 1923) or as a Judicial Commissioner appointed under that Act, shall be deemed practice at the Bar for the purpose of this provision."

This amendment amends the qualifications set out in Section 72 for appointments by proposing to insert that service as a Judge in the Dáil Supreme Court, as defined in the Dáil Eireann Courts (Winding-Up) Act, or as a Judicial Commissioner appointed under that Act, shall be deemed to be practice

[Attorney-General.]  
at the Bar for the purpose of this provision. I suggest that this remedies an obvious but quite unintentional omission.

Amendment agreed to.

Section 72, as amended, ordered to stand part of the Bill.

**ATTORNEY-GENERAL:** I beg to move Amendment 24:—

“To delete Section 73.”

This proposes to delete Section 73 and leads up to Amendment 44 which follows.

Amendment agreed to.

**ATTORNEY-GENERAL:** I beg to move Amendment 25:—

To delete Section 75, and substitute a new Section as follows:—

“The age of retirement of Justices of the District Court shall be 65 years, but the Executive Council may, after consultation with the Chief Justice and the Attorney-General, extend the age of retirement in the case of any Justice to 70 years.

This amendment gives effect to an undertaking of mine on an amendment by Deputy Major Cooper. It will be remembered that Deputy Magennis's amendment was defeated on a division. It proposed to make the normal retiring age for a District Justice 70, with power to extend to 75. It will be remembered that on Deputy Major Cooper's amendment, which he withdrew on the undertaking, I promised to consider the question of an amendment providing for a normal age of 65, with power to extend it to 70. This amendment gives effect to that promise.

**Major COOPER:** The Attorney-General has fully carried out his promise. I preferred, and still prefer, my own proposal, but he has entirely carried out the pledge which he gave.

Amendment agreed to.

New Section ordered to stand part of the Bill.

**Mr. BLYTHE:** I beg to move Amendment 26:—

To insert immediately before Section 77, page 16, a new section as follows:—

The senior of the Justices of the District Court for the time being assigned to the Police District of Dublin Metropolis shall receive a salary of £1,200 per annum, and every other of the Justices aforesaid and also the Justice for the time being assigned to a District comprising or including the City of Cork shall receive a salary of £1,100 per annum.

Every other Justice of the District Court shall receive a salary of £1,000 per annum.

The several salaries aforesaid shall be paid out of moneys provided by the Oireachtas.

This is to fix the salary of District Justices. It fixes a slightly higher salary in the case of the Senior Justice in Dublin, also in the case of the other Justices in Dublin, and in the case of the Justice who will have Cork City. At present I think the salary of the Senior Police Magistrate in Dublin is £1,200 per annum. There is no doubt that the District Justices in Dublin will have very important business coming before them, in view of the extended jurisdiction which will be given to this class of judge. It is also felt that in Cork city there will be very important work coming before the District Justice and that the salary should be slightly higher. The idea would be that the very best of the District Justices should from time to time, as vacancies arose, be allotted to these cities. The salary of the other District Justices is fixed at £1,000—the present salary. It is felt that that is a sufficient salary, and also that it is no less than a sufficient salary, having regard to the work they will be required to perform. The salary is not charged on the Central Fund but will be voted by the Oireachtas year by year. The reason for that is largely that the number of District Justices will not be fixed, as the number of judges will be fixed. It will give the Oireachtas annually an opportunity of saying that there are far too many District Justices and that there is no work for them. It will also give them the opportunity of saying that the Courts are congested, that there should be more District Justices, and that suffi-

cient appointments are not being made. It is to be remembered, of course, that in other respects the status of the District Justices is not made equal to the status of the Judges, who are appointed by the Governor-General on the advice of the Executive Council, and who can be removed only in a particular way. These particular Justices can be removed in another way. However, it is not a matter of very much importance, but it is felt that it is better that the salary should not be charged on the Central Fund, but that they should be made a matter of submission to the Oireachtas or to the Dáil year by year.

**Mr. WILSON:** I would like to ask the Minister if the £200 per year travelling expenses for these Justices is still to remain, and if this £1,000 is the maximum salary for District Justices.

**Mr. BLYTHE:** The travelling allowances will remain.

**Mr. WILSON:** In addition to the £1,000?

**Mr. BLYTHE:** Yes.

**ATTORNEY-GENERAL:** I might mention that the provision as to salaries was deleted from the former Section 70, and I undertook to have a word with the Minister for Finance. This amendment is the result of that word. There is one thing I want to say, and it is this: Deputy Davin asked a question, which I promised to look into, namely, as to whether District Justices, if removed from one district to another, would be provided with their expenses of removal? I am informed by the Ministry of Finance that they would.

**Captain REDMOND:** I must congratulate the Attorney-General on getting at the soft side of the Minister for Finance. Certainly he is in an enviable position. I must also congratulate the Minister for Finance on this amendment. As regards the unique positions of Dublin and Cork I make no complaint, but I do think that the other two principal cities of Ireland should be put in a similar position, namely, the city I represent, Waterford, and if the representative so desires, the City of Limerick.

**Mr. WILSON:** And Galway.

**Captain REDMOND:** And Galway, too. Certainly I think that there will be equally as important work to be done by the District Justice in the City of Waterford as in the City of Cork. I therefore ask the Minister if it would not be possible to reconsider the question on that basis. As regards the wording of this amendment, I notice that it commences as follows:—"The senior of the Justices of the District Court for the time being assigned to the Police District of Dublin Metropolis shall receive . . ." I confess I cannot quite follow the meaning of these words. I would like to know what is meant by "senior of the Justices."

**ATTORNEY-GENERAL:** In rank. In Dublin there is a recognised position of senior Magistrate of the City. He receives £1,200 at present.

**Captain REDMOND:** Does that mean that the transference is to be automatic? If appointments are to be made at the same time does that mean that one of the appointments shall rank senior to the others? I understand that that is so. I welcome this amendment. Perhaps the Attorney-General might try the other ear this time of the Minister for Finance and put in a good word for Waterford and Limerick.

**Major COOPER:** The Minister for Finance will now see that in giving way to the Attorney-General he has opened a very wide door for others to assert their claims besides Waterford and Limerick. I really think the whole matter needs more consideration than we are able to give it at this Stage. Take the question of travelling allowances. Is it suggested that the Magistrates in Dublin are to receive travelling allowances? Probably their travelling expenses would be sixpence per day. Why should they have £200? In Cork, I agree, there may be important duties and responsibilities. It is ridiculous to give the Dublin Magistrates £200 if they live in Dublin. I expect the Cork Magistrate will need the allowance, as, like all Corkmen, he will probably live in Dublin. By the time this Bill returns to the Dáil from the Seanad I hope the Minister will work out some sort of scheme and be able to tell us whether the travelling allow-

[Major Cooper.]  
ances are to be applicable in Dublin, and whether the Justices here are entitled to them. This has created a dilemma. The Dublin Magistrates, if they do not get travelling allowances, will not be better off than the other Justices, and, in the case of those who receive £1,100 a year, will be worse off. On the other hand, if the Dublin Magistrates get the allowances they will be getting money from public funds to which they really have no just claim.

**Mr. DARRELL FIGGIS:** Before the Attorney-General or the Minister for Finance replies, I wish to ask, for the information of the Dáil, and not by way of criticism, if the amount allowed for travelling expenses is allowed to each Magistrate even though it might not happen to be incurred to the full amount. It might happen that the figure might be exceeded. Is it a payment made, or have the Magistrates to keep within it or to expend it, or is it made on returns furnished by them, or what is the method?

**ATTORNEY-GENERAL:** I remember when £200 was fixed at first, it was really a commutation sum arrived at with District Justices, then temporarily appointed. Of course, that commutation sum was really in the nature of an experiment, and was to represent actual expenditure on travelling. There is nothing in the Bill now that provides that anyone is to receive £200 or any fixed sum for travelling. It is a matter which must be vouched.

**Mr. THOMAS JOHNSON:** I am not quite convinced of the wisdom of the last paragraph of this amendment: "The several salaries aforesaid shall be paid out of moneys provided by the Oireachtas." I do not think a case has been made out for distinguishing, in this respect at any rate, between the District Justices, Circuit Judges and High Court Judges. If it is undesirable that the conduct of any Judge should be reviewable by the Oireachtas, or by the Dáil, then that should apply, I think, to the District Justices just as much as to the Circuit Judges. The Minister suggests that the question of whether there are too many such Justices might be discussed. There is no-

thing to prevent judgments being discussed if the salaries are to be reviewable on the Estimates. It seems to me rather to detract from the status of the District Justice in a way that is inconsistent with the intention of the plan. The District Justices are to be much more important than the old Magistrates were, and I think they should be placed in the same position regarding the source of their salaries as the other Judges.

Again, it is the suggestion of the political appointment, and I think that we should get as far away from that as we possibly can. One way to move from that idea would be to place them in the same position regarding payment out of the central fund as the Circuit Judges. I do not think the case for making the differentiation in this respect has been made.

**Mr. BLYTHE:** As a matter of fact, this amendment itself is, in a certain sense, a concession to meet the point of view of Deputy Johnson and others, and I do not incline at the moment to go any further than we go in the amendment. I do not think that it does at all seriously interfere with the status of the District Justices. As a matter of fact, the provision for terminating the appointment or the removal from office of a District Justice is a far more important thing than this matter of providing his salary in a certain way. I could give the reasons for the special provision in regard to removal from office, but that is not a matter dealt with under this amendment. There are to be a very large number of District Justices. There will be thirty-three of them. It may turn out, when the new code has been in operation for some time, that we will find that 25 or 26 will be sufficient. It may, on the other hand, turn out that we will have to bring in a new Bill and extend the number to 35 or 36. It will come out when we see how they can get through the amount of business they will have to do. At any rate, the number is large and it is not a number that we can fix. It is most desirable that we should not keep up a larger establishment than is necessary.

If, at any time, we find that the full number allowed by the law is not re-



quired a suitable and reasonable opportunity will be given to Deputies to suggest that the number should not be so large. I cannot conceive that there would be any discussion on the Estimates of the judgments of District Justices. I cannot conceive that any other question would be discussed in any way that would be serious or would reflect on anything other than the number, or that any Deputy would attempt the discussion of any matter that did not properly arise, having regard to the fact that these were people charged with the administration of justice. I cannot think that cases would be brought up or that magistrates would be arraigned or that any opportunity would be taken to attack individuals. I do not see that the matter is one in which any alteration of the amendment is required in respect of this particular clause.

**ATTORNEY-GENERAL:** May I point out as regards the suggestion of anything political in this matter, upon which I am certainly very jealous, that the mode of appointment is the same as in the case of all other Judges, and that the mode of removal or dismissal from office takes away every shred of possibility for suggesting that there could be anything political in relation to their actions.

**Mr. JOHNSON:** In respect of the remarks of the Minister I think that it may be within his knowledge, if he scours his memory, that frequently magistrates' decisions have been a subject of discussion in the British House of Commons, and Judges' decisions are taboo; they cannot be discussed. That is quite possible under this, and I think that whatever we may desire in the matter the fact that magistrates' salaries are paid out of moneys provided by the Oireachtas rather makes it possible. There is no rule to the contrary, and you could not prevent Deputies raising questions as to decisions, whereas you could prevent it in the case of a Circuit Judge or of a High Court Judge.

**Captain REDMOND:** I think there is a great deal indeed in the question raised by Deputy Johnson, and for this

reason. Either these District Justices are judges or they are not. If they are judges, according to Article 68 of the Constitution they shall be appointed in a certain manner and they shall be remunerated in a certain manner. Up to this I think that we in these discussions have treated these District Justices as judges, and the reason is obvious. As Deputy Johnson has said, in the British House of Commons, and perhaps elsewhere, magistrates' decisions are always open to discussion and supervision and are constantly discussed, but judge's judgments never; and under Article 69 it is stated that "all judges shall be independent in the exercise of their functions and subject only to the Constitution and the law." I certainly think that this points to the distinction which seems to be drawn here between District Justices and judges. If the Government will say that these are not judges, very good; then we will know where we are.

If they will say they are only to be a replica of the old system of Removable Magistrates, then we also know where we are, but if they are to be called judges, and not to be subject to the same regulations as are laid down in black and white in Articles 68 and 69 of the Constitution, then I say that we are in a fog about the proper character and status of these judicial servants of the State, and I think it is well, at this stage, before any matters which might lead to heated controversy or debate might arise that this question of status should be here and now determined. Before we pass this amendment, I think it would be well if the Attorney-General could assure us on this point, whether these District Justices are to be treated as judges or merely as nominated magistrates. Undoubtedly it will be within the right, and perhaps it may be the duty, of Deputies to bring forward for discussion decisions of these Justices, if they are to be treated as ordinary justices and not as judges. Therefore, I think Deputy Johnson has, I am sure in no capricious way, done a great service, and has anticipated possible events which might lead to trouble by raising this question now. In asking, as I do, for such an assurance, I feel that I am

[Captain Redmond.]

not only asking for worthy and proper information, but also that I am doing something towards placing the Government in a position to tell us and the country whether these judges are to be judges, or whether they are merely to be Removable Magistrates.

**Mr. O'CONNELL:** The only argument put forward by the Minister in favour of this particular Clause relates to the question which, he says, may need to be discussed in the Dáil—that is the question as to whether or not there are sufficient Justices to deal with all the work which may have to be done, or whether the number of Justices is too many. I submit the proper Vote under which to discuss a matter of that kind would be on the salary of the Minister for Justice, and not on the District Justices Vote. In any case, certainly, the question he mentioned could be discussed on the Vote of the Ministry of Justice, and under that it might be confined to the question of whether or not sufficient arrangements had been made for the proper administration of justice, but, as Deputy Johnson rightly says, if there is to be a vote on the District Justices salary here you cannot, I respectfully submit, prevent a Deputy who wishes, no matter what we may think of the action of such a Deputy, discussing the actions of any District Justice, whose salary he is asked to vote for.

**Major COOPER:** One rather important constitutional point is involved in this. If the Oireachtas is asked to vote money it is bound to see that the money is properly expended, and you cannot shut out of debate the question of the competence of any one of these people for whom the money is voted. It could not be done. If, say a District Justice took some individual view of law, and his judgments were normally reversed on appeal, you would be almost bound to have that case coming up and being discussed. If he is to be removed, it is better he should be removed as a result of the fiat of the Minister of Justice, rather than as a result of a debate in the Dáil. Take such a situation as exists in the County Waterford,

where there is a violent labour dispute, and assume that a District Justice habitually gave his decision on one side or the other, Deputies representing labour, or representing the farmers, would find themselves under almost intolerable pressure from their supporters outside the Dáil to have that magistrate's conduct discussed. I do not think it is fair to place Deputies in that position. Their supporters will say "You have power to raise this under the Statute, why do you not use it?" However reluctant they may be, feeling it was wrong to have these matters discussed, they would find it very difficult to turn down their supporters. I would urge the Government to consider the danger this course exposes them to.

**ATTORNEY-GENERAL:** I am sure Deputy Johnson will appreciate the tribute of Deputy Redmond, but whether he will equally appreciate the mischievous suggestion that these District Justices are to be put in the position of the old Removable Magistrates, I do not know—a thoroughly mischievous suggestion, when an attempt is being made to set up a judiciary which will meet with the general acceptance of the people and have their confidence. In answer to the question being directed to or at me, referring to Articles 68 and 69 of the Constitution, it is perfectly clear that the District Justices are Judges, and that view of their office has been acted on by the Government, which has in every instance had them appointed by the process presented for the appointment of Judges in the Constitution. Further, Article 69 provided that all Judges, which includes District Justices, shall be independent in the exercise of their functions. Independent of what? Independent of everything, save the law and the Constitution. And if any Deputy should be urged to raise the question here with reference to the exercise of any Judge's functions, I should think, though I should not venture to anticipate the decision or ruling that might be given, it would rest with the Ceann Comhairle to apply this provision of the Constitution in his decision as to whether such a discussion should be permitted. It seems perfectly clear the Article applies

to all judges, and they are declared to be independent in the exercise of their functions.

**Mr. JOHNSON:** It seems to me that the statement made by the Attorney-General strengthens the case for placing the salaries of the District Justices upon the Central Fund. I am glad to have the assurance of the Attorney-General that the District Justices shall be classed as judges, as defined by the Constitution, and that they shall be independent, subject only to the Constitution and the law. Nevertheless, if we are going to be free to discuss the salaries, we can, even within that clause of the Constitution, discuss the fitness of any particular magistrate to carry out the law, and we can cite instances which, in our view, support our contention that he is not fit to carry out his functions. We might, apart from the law or the Constitution, be free to cite his general conduct of cases, to cite his associations; and in many ways, quite within the clauses of the Constitution, it would be competent for a Deputy to discuss the fitness of a District Justice to fill his position and the temptation will always be there. I know a good many people would prefer that the judges should be subject to that criticism, but being conservative, I am in favour of placing the position of District Justice in this respect in the same category with the higher judges. I am inclined to think that the argument of the Attorney-General strengthens the case for placing the salaries upon the Central Fund.

**Captain REDMOND:** I am very glad to hear from the Attorney-General, authoritatively now, that these District Justices are judges. That being so, of course they must be bound by the regulations of the Constitution. And I must say I was shocked to hear from the lips of the Attorney-General the suggestion, because it is an exceedingly undemocratic and unparliamentary one, that when the salary is voted by this Dáil, any matter with which that salary is concerned might possibly be ruled out of the discussion by the occupant of the Chair at the time. I say that that is the most far-fetched doctrine of parliamentary institutions that I have

ever heard. What is the object of having the salary passed each year? It must have one object and one object alone, and that is to determine whether the recipient of the salary is deserving of the salary, whether the amount of the salary is just or unjust, and whether the conduct of the recipient of that salary merits the continuance in office of himself and his enjoyment of future salary. But for a Minister, and especially for the Attorney-General, to come forward and suggest that out of the mouth of the Ceann Comhairle should come forth a ruling that on the vote of a salary the matters with which that salary is concerned should not be fully and freely and openly discussed, to my mind, that goes back very far indeed to the days of oligarchies. However, not believing for a moment that any Speaker in any modern democratically constituted assembly would dare to give such a decision, I certainly would urge upon the Government the reconsideration of this amendment. The District Justices are judges. Well, if they are judges, let them be treated as judges. What is the reason for this differentiation?

As Deputy Johnson has said, it might be well if we could revise the conduct and judgments of judges everywhere. But that is not according to the Constitution. The judges are to be independent in the exercise of their functions. Of course by independence is meant independent of criticism of the constitutionally elected Assembly of the country, just as independent of anything else. But, the Attorney-General has characterised as mischievous my suggestion that these Justices, if they are not to be judges, should be treated as the old Removable Magistrates were. He has characterised that remark as mischievous. All I can say is that the primary objection to the old Removable Magistrates was that they were not independent of the Executive. It was not so much to their personnel. It was not even so much to their method of appointment, but the primary objection to them was that they were not in the position of independent justices. The objection was this, namely, that their actions and their judgments might be and constantly were revisable by Par-

[Captain Redmond.]  
liament. That is, I say, precisely the position that these judges, as we may now call them, will be in if they are not treated in every way, both as to appointment and remuneration, and as above all the possibility of their conduct being discussed or revised precisely the same as their brother judges of the Supreme Court, the High Court or the Circuit Court. If it is the intention of the Government that their actions should not be discussed here, as appears evident from the Attorney-General's suggestion to the present Ceann Comhairle, then why not place them in the independent position that the judges will be placed in, by having their remuneration paid from the central fund and not subject to a yearly revision by a vote taken on their salary in this Dáil? I see no reason for differentiation. If these judges are to be treated as independent judges why should they not receive their pay in a manner similar to the other judges? No answer has been given to that question. No case has been put forward for differentiation beyond saying that there may be too many of them appointed. I do not think there is any reason why the numbers should not be reduced. Judges have been reduced in numbers in the past. There is no reason why vacancies should be filled up if there are too many of them appointed.

**Mr. BLYTHE:** Hear, hear.

**Captain REDMOND:** The Minister for Finance applauds that and I can quite understand his reasons, but I think it is more likely that there will be too few appointed, but that is entirely a matter of opinion.

What I would say is this: Before the Government differentiate, as they are doing by this amendment, in their treatment of these Judges from any other Judges, they should give some sound reason for doing so, especially if they want to regard these Judges as independent Judges, in the same light and under the same terms of appointment as their brother Judges of the Supreme, High and Circuit Courts.

**Mr. JOHNSON:** There is one point I wish to make, and I think both the

Minister for Finance and the Attorney-General will appreciate it. The Attorney-General has said—and I quite accept his word—that it is far from the intention to bring the District Justices into the political arena in any way. I put it to the Ministers as a possibility—and even a probability—that you may have a vote of confidence or a vote of no confidence moved. You may have a vote for the reduction of the salary of the Minister for Justice, and the whole issue might be the conduct of certain Justices. That is quite possible within this scheme. The Ministry would be in the position of defending a Justice. The attack would be on the Ministry, because of the conduct of a Justice, and you would have the Justice by that means brought into a political controversy. That may not happen within this Parliament, but it is quite within the possibility of this scheme, as outlined in the Bill. It is very desirable that we should guard against it, and unless there is some very strong reason for bringing the Justices into the annual vote, which reason we have not yet heard, I would urge the desirability of placing their salaries on the Central Fund.

**Mr. BLYTHE:** I do not want to anticipate what the ruling of the Ceann Comhairle would be, but I do not anticipate there would be any improper discussion in the Dáil in regard to the conduct of District Justices. I do not, of course, know what any irresponsible individual Deputy might do, but if he did not do what would commend itself to the Dáil, he would get his answer, and the District Justices would not be hurt. There would be no reason for not having these salaries on the Central Fund if we were to decide that there would be thirty-three District Justices, neither more nor less; but it might well be that a great deal less than thirty-three would be sufficient. In the circumstances, I think it is desirable that the salaries of District Justices should not be excluded from review by the Dáil from time to time.

**Mr. WILSON:** I would like the Dáil clearly to understand the position with regard to travelling allowances. The Minister for Finance said that there

would be £200 a year paid to each District Justice for travelling expenses. The Attorney-General said the expenses will have to be vouched for. If a man is vouching for his expenses, does it mean that he is to be kept under the £200, or can he put in whatever figure he likes, or whatever the actual figure might be? Suppose his expenses reach £500, would he get that amount?

**Mr. BLYTHE:** That would be a matter for the Minister for Finance. He can make it less than £200 if he likes, or he can fix it at £200, or he may require vouchers for the expenses involved. Heretofore the most convenient way of dealing with this matter was to make an allowance of £200 in commutation of expenses. Naturally, where there was no travelling there would be no expenses. In general, it will be found most desirable to continue the arrangement I have mentioned, of giving a commutation allowance of £200. The Attorney-General tells me this arrangement was actually agreed on after consideration by both the Home Affairs Department and the Justices themselves. It is simply a matter of making an arrangement which will be fair to the District Justices and which will ensure that the finances of the country are properly safeguarded and that no undue charge falls on them.

**Mr. McGILLIGAN:** I am not convinced that the Attorney-General has made a case for the exceptional course of charging the salaries of District Justices on money voted by the Oireachtas as opposed to the Central Fund. The Minister for Finance has stated as his reason for the change that he is not sure of the number of District Justices to be appointed. But in the case of the Circuit Court Judges, in connection with which it is stated that the number shall not exceed eight, he charges their salaries to the Central Fund. In the case of the District Justices a similar statement appears in the Bill—that the number shall not exceed thirty-three—yet it is proposed to pay them with money voted by the Oireachtas. I am still unconvinced that any case for payment out of supply has been made.

**Professor MAGENNIS:** It might be of advantage to recall how this amendment came to be in the original draft of the Bill. In Section 70 it is provided that Justices should be appointed at such salaries as the Minister for Home Affairs, with the concurrence of the Minister for Finance, may fix. It was pointed out here repeatedly that in accordance with the Constitution the District Justices are Judges.

We must not permit bureaucratic interference with the judge, no matter how slight, not even the possibility of interference. As the result of our appeals to the Articles of the Constitution this Government amendment was introduced. The salary has now to be, as the Constitution requires, determined by law—a specific salary is named by the present amendment. Instead of the objectionable control of a ministerial office being indicated the control is given to Parliament. Now, undoubtedly, that is an improvement.

The arguments I have heard just now may be summarised in this way—that there must be some purpose in view in differentiating between the other judges, as regards the sources of their remuneration and those judges that are constitutionally quite as much judges as the others. My first consideration would be—is the independence of the judge as a judge in any way jeopardised by the fact that his salary is payable out of a fund voted from year to year? Frankly I cannot see that it is. It is alleged that the District Justice, being a part of the administration, will be subject to criticism, personal, individual, criticism in this Dáil on the occasion of the estimate being under consideration. All of us are quite aware that the independence of the judiciary, which was fought for through many centuries of constitutional battle, was secured by dividing the functions of Government, as we have divided them in our Constitution, into legislative, executive and judicial functions. There is no room left by our Constitution, and, therefore, no room left by any law, unless it violates the Constitution, for blending the executive with the legislative with the discharge of judicial functions. and any Chairman

[Professor Magennis.]  
of this Dáil that would allow a criticism upon the position of one of the judges as a judicial position to be canvassed in this Dáil would, by such inconceivable conduct, have violated the Constitution.

I am as strong as any member of this Dáil for securing the absolute independence of the lowest type of judge as much as that of the highest, but I have not been convinced by any of the arguments I have heard that the proposal to bring under review the amount to be expended upon these judicial servants is tantamount to an infringement upon the judicial independence, and that is the essence of the whole matter. If I could see at this moment, when the expenditure of the nation is under review, and when every effort is being made to satisfy the public at large that no extravagance will be tolerated in any department of Government, if at such a moment in the interests of giving such satisfaction to the people whose moneys are in question, if I could be satisfied that we were going to make economies at the expense of what is fundamental in the assertion and protection of the liberty of the subject, I would say: "Perish economy." The Circuit Judges, it is true, are a charge upon the Central Fund. That would appear to give them a special and superior status, but there was more agreement in the debates here as regards the numbers necessary for Circuit Court work than there was as regards District Justices, and it may be that we may have to increase the number of District Justices and re-arrange the provision for their expenses, and, if so, that could be done through criticism made available to this Dáil on the occasion of the discussion on the Estimates. That, I see, is a decided advantage in this matter, and I should consider that that advantage was more than outweighed if it could be shown that what Deputy Johnson fears has any reality in it as a fear. It is true it may be objected that such-and-such a District Justice was absent for so many days or weeks, or that the public complained that they were aggrieved by the delay in his Court. That indeed may come up. I concede so much, but that would not be criticism of a Judge as such.

**Mr. JOHNSON:** It would damage him.

**Professor MAGENNIS:** It would; but Judges of the High Court could also come under review as regards their conduct in precisely the same sense. It is not a question of discussing a verdict of a Judge, if I may say so. If a Judge took part in politics and went out and, forgetful of his high office, did something he ought not to do or neglected his duty as a Judge, is it suggested that he would not come under criticism in this Dáil, or could not come under it? Is there anything in the Constitution which safeguards him? I know nothing.

**Mr. JOHNSON:** There is only one method.

**Professor MAGENNIS:** What is that?

**Mr. JOHNSON:** A vote to remove him.

**Professor MAGENNIS:** A vote of censure. This is much simpler and much more acceptable, I have no doubt, to the District Justice himself.

**AN CEANN COMHAIRLE:** Since a considerable amount of the discussion that has taken place has centred on the question of order, I may be permitted to put the point of view of the Chair on that question. The independence of the Judges is guaranteed under Article 69 of the Constitution, which reads:—"All Judges shall be independent in the exercise of their functions and subject only to the Constitution and the law." The word "Judges" is not defined in that Article at all, and we must look, therefore, for a definition of the word somewhere else. The first sentence of Article 68 of the Constitution reads:—"The Judges of the Supreme Court and of the High Court, and of all other Courts established in pursuance of this Constitution shall be appointed by the Representative of the Crown, on the advice of the Executive Council." The Attorney-General has told us, I think, that the District Justices will be appointed and have been appointed by that method. That being so, it would seem to me that the Chair would have to agree with the opinion of the Attor-

ney-General that the District Justices are Judges within the meaning of the Constitution. Therefore, if they are Judges, they come within the scope of Article 69 of the Constitution and the Chair would be obliged, notwithstanding what any Deputy might argue as being in accordance with Parliamentary institutions or democratic principles, to rule out of order things which were against the Constitution. I think that if the salaries of the District Justices were on the Estimates it would be made clear, either by Standing Order or a ruling from the Chair, that the decision of a District Justice could not be discussed or reviewed in the Dáil, but I fear that the problem that would be presented to the Chair would not be solved by such a ruling, because, undoubtedly, when an estimate would be presented, to pay the salaries of thirty-three or any number of District Justices it would be open to discuss the fitness of such persons for the position. I think that could not be prevented. While their decision could not be discussed, I have great faith in the ingenuity of Deputies.

I have had some experience of it, and I can see that there are a great many things which could be discussed on that Vote, and which, while preserving the Constitution, would give very considerable scope to Deputies. I fear the Chair would be in frequent difficulties in endeavouring to interpret the Constitution. Would it be out of order, for instance, to complain that a District Justice in an area where there was a farm strike, dined every evening with the Chairman of the Farmers' Union?

**Mr. GOREY:** It would not be true; he could not afford it.

**AN CEANN COMHAIRLE:** Would it be in order to complain that a particular District Justice, being democratically inclined, played cards every evening at the rooms of the Transport Union?

**Mr. JOHNSON:** He could not afford it.

**AN CEANN COMHAIRLE:** I could suggest a great many points that could be raised, but that would be providing

ammunition against myself, or some person occupying a similar position at another time. While I think it is clear, that having now established that District Justices are judges, their decisions could not be discussed on the Estimates, other matters regarding their fitness for the position could certainly be discussed. These matters, in the case of other judges, could only arise by motion. It is a matter I have not considered carefully, but I think I would not allow a Deputy to raise, say, on the adjournment in a rather casual manner, any matter concerning the conduct of a judge. I think the Dáil would be unanimous in agreeing to that ruling. Such a matter would have to be raised by motion definitely. Since the question of order has been raised I think it is only right I should present to the Committee the difficulties of the matter from the point of view of order merely.

**Mr. O'CONNELL:** There is another point I would like to bring to the notice of the Committee. If a vote comes before this Dáil I assume it is within the power of the Dáil to reject it. We might have the position that a vote for the salary of District Justices would be rejected by the Dáil. What, then, would be the position? The law provides that a certain salary must be paid to the District Justice. If the Parliament does not vote, it cannot be paid. I am open to conviction in this matter, and, honestly, I have heard nothing from the Ministry to convince me of the necessity of making this distinction in the case of a District Justice. No reasons have been put forward by the Minister or Attorney-General which would justify the discussion here, and which would justify this departure in the case of this Justice. One or two reasons which have been mentioned, that of whether there are enough or too many judges, and the other point dealt with by Deputy MacGilligan, are not sufficient to justify this very important departure from the practice in the case of the other judges.

**Mr. BLYTHE:** The Dáil could equally refuse to vote taxes, and there would be no salaries available out of the Central Fund.

**Professor MAGENNIS:** Might I say as a species of reply to Deputy O'Connell that I regard this differentiation as a sort of legitimate compromise, because there is more uncertainty and difficulty as regards the final decision with regard to numbers and expenses, involved in respect of District Judges than any other section of the Judiciary. It seems to me necessary at a period like this, a period which will last for not a few years, where cautious expenditure is to be embarked upon, and close supervision of expenditure to be made annually, that a question of this kind should be kept open, and this is the only way to do it. I agree with Deputy Johnson and his colleagues that it would be better to have no ground of grievance whatever, and no suggestion even of inferiority in the source of remuneration. I make this act of faith in the Ministry, that in answer to our demands on behalf of the District Justices, they bring this forward, that it is in their conception a reply to our demands, and at the same time provides those safeguards with regard to finance which had dictated the original form in the draft Bill. In years to come, when a new Judiciary Bill will be going through another Dáil, these District Justices will no doubt be put upon the Central Fund, but the reservation of their case here and now is in the interests of the annual review, and what Deputy Johnson urges undoubtedly has a great deal of ground for it. There is room for the abuse of the privileges of the Dáil, to attack a particular District Justice, to attack his appointment. You have already spoken, sir, of your experience of the ingenuity, we might call it the diabolical ingenuity, of Deputies getting round rules and regulations.

**Mr. O'CONNELL:** You can limit their opportunities.

**Professor MAGENNIS:** Undoubtedly it is wise to leave as few opportunities for abuse as possible. Here we balance our inconveniences. We wish to maintain the annual control over number and expense, and at the same time we realise it does not leave an opening for abuse in the way of unfair and personal

criticism. That is why I said originally if I could see in this provision anything that attacked the immunity of this Judge, that laid him open to this departure from the Constitution to criticise his decision, I would not vote for it. I have spoken and voted in favour of it because I am satisfied there is nothing sinister in it.

**Mr. JOHNSON:** The objection against putting this charge on the Central Fund is that it would not be reviewable, and therefore the annual charge may not be discussed. That presents a difficulty to me. I can understand that the salary is guaranteed by the Central Fund. I cannot understand putting it on the Central Fund necessarily compels us to pay for any number of years thirty-three salaries on a given grant. Perhaps we might get some enlightenment on the constitutional and financial standpoint regarding the difference between the Central Fund and the Annual Vote.

**Mr. BLYTHE:** Putting it on the Central Fund would not compel us to pay annually 33 salaries. It means that the number of Justices does not come before the Dáil. It could be kept up to 33 even if the members of the Dáil generally felt there was no need for more than 25. There is a further matter: We could not put travelling expenses on the Central Fund. The travelling expenses of the District Justices will have to come before the Dáil in any case, and I believe you could get in as much talk on the question of the travelling expenses.

**Major BRYAN COOPER:** Would not the travelling expenses of the High Court and Circuit Judges come before the Dáil?

**Mr. BLYTHE:** The real point of advantage we are supposed to get by removing salaries to the Supply Vote will be got in any case if Deputies desire to exhibit that diabolical ingenuity in finding means of discussing the matter possibly on the question of travelling expenses when they come up every year. In any case, by keeping the matter a Supply Service, we do have an opportunity of considering what size the establishment will be.

**Major BRYAN COOPER:** May I ask



your ruling, a Chinn Chomhairle, on a point of order? Is it, at any time, in order to use the word "diabolical"?

**AN CEANN COMHAIRLE:** I think when it is not used about a particular person.

Amendment 26—"To insert the new Sub-section"—put and agreed to.

Question—"That the new Section be added to the Bill"—put and agreed to.

**ATTORNEY-GENERAL:** I beg to move amendment 27: "In Section 77, lines 2 and 5, to delete the word 'District' and insert immediately after the word 'Justice' in each line the words 'of the District Court.'"

Amendment agreed to.

**ATTORNEY-GENERAL:** I beg to move amendment 28: "In Section 79, line 28, to insert immediately after the word 'Justices' the words 'or a Justice.'"

Amendment agreed to.

**ATTORNEY-GENERAL:** I beg to move amendment 29:

In Section 79, A (ii.), line 38, page 16, to delete the word "land," and insert in lieu thereof the words "any land the Poor Law Valuation whereof exceeds £10," and in line 40 to add immediately after the word "title" the words:—"Provided also that the jurisdiction of a justice shall not be ousted by reason of a question of title to land the Poor Law Valuation whereof does not exceed £10 being brought into issue, but in such case the decision of the justice shall not operate as an estoppel in or bar to a suit in any court for a declaration of title or in ejectment in relation to such land."

**LEAS-CHEANN COMHAIRLE** at this stage took the Chair.

**ATTORNEY-GENERAL:** This amendment arises out of a discussion which took place on what was formerly Section 78, in reference to the question of giving jurisdiction in title matters to District Justices. It will be remembered that the controversy was really engaged in by Deputies from Tirconail, and that the shuttlecock was exchanged between them for a considerable time.

Vol. 5.

I then said it was a matter which had been receiving my attention, and that I would consider it further. It is a matter of some difficulty. It is well known that small title cases in the country are probably the cases that take up the largest amount of time in hearing, and that if ordinary title jurisdiction were to be transferred to the District Justices, in the full sense, their time would probably be unduly occupied. On the other hand, we have had experience of the District Justices jurisdiction being ousted by quibbling points of title which was a well known trick in the game. The present amendment is a compromise which I have arrived at after consideration of the matter, and which, I think, should meet with general acceptance even amongst warring Deputies from Tirconail, and I have the support of one of them at least in the matter. Under this amendment if small cases of trespass or assault are brought before the District Justice in ordinary circumstances the defendant's solicitor would raise the question of title, and say that an assault was committed in ejecting a man from a place where he had no right to be, and he would say he was exercising a right-of-way. Under this amendment it will be open to the District Justice to dispose of the matter as one of assault or trespass, as the case may be, and immediately settle the dispute before him, notwithstanding the question of title, and if the parties desire to go further and to have a full dress discussion of the question of title, which one gathers from Deputy Doherty are matters of a very difficult description in the Co. Tirconail, the decision of the District Justice in the trespass or assault case is not to be a bar from a full hearing before the Circuit Judge in a suit properly brought for the purpose of testing the question of title. That, I suggest, is a workable method of dealing with what undoubtedly is a very difficult matter. The amendment I propose to insert meets the difficulty, I think.

**Mr. McGOLDRICK:** I wish to say that I am satisfied with the form in which this amendment appears, and I have to thank the Attorney-General for the way he has met the situation and for the manner in which he has

[Mr. McGoldrick.]

met us by putting forward this amendment, to give title jurisdiction to the District Justices. It will be of great value to counties other than Tirconnaill. Tirconnaill is not the only county, although it has received from the Attorney-General some encomiums here about its warring propensities and I do not think it is the only county that is going to benefit from this amendment as far as litigation between small holders is concerned. This question arose in committee stage in the interests of small holders in congested districts, and these districts are not alone situated in Tirconnaill, but are to be found in many other counties and it was really a hardship at all times and rather intolerable that these people should not have an opportunity of settling their disputes in their own immediate area at a minimum of trouble and expense. The matter was not dealt with when the Bill was drafted and therefore for that reason the amendment was put down on committee stage. There is still another circumstance that makes it advisable and necessary that this jurisdiction should reside in the District Justices.

A great many small holders in these backward districts are people who have no language but their own language. They do not know the language of the stranger; they only know their own language, and as a consequence they are placed at times in the Courts and elsewhere at an intolerable disadvantage. In the Courts their evidence had to be interpreted. There is nothing that has given such satisfaction to the community in general as the appointment of District Justices who have a knowledge of the Irish language especially in counties and districts where Irish is the only language understood and spoken. The appointment of competent Irish scholars as District Justices in these Irish-speaking districts will be a real boon to the poor people and to others who can only speak their own language. These people can now come with confidence into Court and state their cases in their own language, and without being subjected to the difficulty and the disadvantage of having their evidence interpreted for them. It is to

be feared, although I see there are to be two men with a knowledge of Irish put on the Rule-making Authority of the Circuit Courts, that there will not be the same advantages in this respect in the Circuit Courts. I would ask the Government to take good care when they are making appointments of Circuit Court Judges to carry on the business of these Courts in counties like Tirconnaill, Galway and Kerry, all of which are Irish-speaking counties, that the Judges appointed will have a good knowledge of Irish and will be competent to deal with all cases which come into their Courts. In many of these cases the parties concerned will only be able to give evidence in their own language, and hence it is of the utmost importance that the Judge hearing their case shall understand that language. I may say that in that matter I am very apprehensive, that is as regards the appointment of Circuit Judges with a knowledge of Irish in the Irish-speaking counties. I again desire to thank the Attorney-General for introducing this amendment which meets an objection I put forward on the Committee Stage of the Bill.

**Mr. O'CONNELL:** I just desire to say that the amendment moved by the Attorney-General meets the points which I drew attention to on the second reading of this Bill. The amendment, in my opinion, will prevent the frivolous raising of questions of title in order to delay decisions in assault cases or on matters relating to rights-of-way. The lawyer will now see that it would be of no benefit to him to insist, or to claim, that there is a question of title in a case in order to prevent or to delay a decision, because there will be a decision in any case, and he will have to go to another Court to settle the question of title. In that respect, the amendment meets the objections that I had to the Bill as originally drafted.

Amendment put and agreed to.

**ATTORNEY-GENERAL:** I beg to move amendment 30 as follows:—

“ In Section 79, A (iii.), to insert an additional clause as follows:—

“ (iv.) In proceedings at the suit.

of the State or any Minister or Government Department or any officer thereof to recover any sum not exceeding £25 due to or recoverable by or on behalf of the State, whether by way of penalty, debt, or otherwise, and notwithstanding any enactment now in force requiring such sum to be sued for in the High Court or other superior court."

This amendment is somewhat similar to amendment 17 which has already been passed. It enables small debts due to the State to be recovered in the District Court where they come within the District Court jurisdiction.

Amendment put and agreed to.

**ATTORNEY-GENERAL:** I beg to move amendment 31 to delete in Section 79 (b), line 48, page 16, the words "and the accused shall elect to be so tried."

The words in the Bill were originally inserted because of some misconception, and I am afraid the effect of them would be to make the jurisdiction, on the criminal side of the District Justice's Court, depend on the consent of the accused. That would lead to very serious complications. The words should not really be there at all, and therefore, I propose their deletion in this amendment.

**Mr. JOHNSON:** I am doubtful about the effect of this amendment. It appears to abolish the right of the accused person to insist upon a trial by jury. I do not know whether that is so or not. While the summary trial means a lighter penalty, the accused person will not be able to give evidence in his own defence if he has not any right to go before a jury. The amendment seems to me to remove the possibility of the accused preferring to go before a jury. I do not know whether that is the intention, but if it is I question the wisdom of it.

**Professor MAGENNIS:** Deputy Johnson, perhaps, forgets that that is provided for in the Constitution. In the case of minor offences, what would have been the claim of every citizen to demand a trial by jury of his peers is taken away. I think the original form in the draft was due to some misappre-

hension, that the rights of the citizens required to leave it to the accused to decide whether or not he would submit there and then to the summary jurisdiction of a District Justice, but that is really provided for in what is practically the last clause of the Constitution in dealing with the Judiciary.

**ATTORNEY-GENERAL:** The effect of this is really to enable the Court to decide whether the case is a minor one and can be disposed of summarily. There may be cases, for instance, of a very serious dispute which if it continued and led to a grave disturbance could not be regarded as a minor offence, and must be sent on to the Circuit Courts; but at other times the dispute is ended and the matter comes before the Court and peace perhaps is restored. In such cases, I think, it is highly desirable that the District Justice should be able to say that he would treat such a case as a minor offence and dispose of it there and then, and thus end all further trouble in the matter. The District Justice, under the Constitution, can only deal with minor offences, and this, I think, should not be a matter of election with the accused.

**Major BRYAN COOPER:** I think there is some misunderstanding with regard to this amendment. It is rather unfortunate and a pity that we should have amendments of this kind brought in on the Report Stage of a Bill, because Deputies are prevented from introducing at this stage amendments dealing with any of the offences mentioned in Sub-Section (B) of Section 79. Deputies, for instance, might wish to introduce amendments with regard to money or property not exceeding £20 in value. They might wish to limit the amount that the District Justice would have power to deal with to £10, or perhaps less, but it is impossible for Deputies to do so under existing circumstances. We have been inadvertently deprived of our rights in that respect, but I am sure it was quite unintentional on the Attorney-General's part. I think there is a great deal to be said for the principle of having minor offences treated quickly. I hope the Attorney-General will take to heart that he has unintentionally robbed us

[Major Bryan Cooper.]

of the opportunity of putting down an amendment to his amendment if we desired to do so, and I trust he will see that such a thing will not happen again in the future.

**Mr. JOHNSON:** What I think about this is that there may be offences which in the mind of the District Justice should be dealt with summarily, but it may be of the very greatest importance to the accused, and he may desire to be tried by a jury. He may want an opportunity to have the offence, of which he is charged, fully investigated by a jury of his peers. While the clause in the Bill as it stands gives him an opportunity of saying that he prefers to be tried by a Summary Court, he still has the right to demand a trial by jury, and I submit he should not be deprived of that right. I am afraid he will be deprived of that right if this amendment is accepted.

**ATTORNEY-GENERAL:** He has still his rights of appeal.

**Mr. JOHNSON:** Does not that involve expenditure that he should not be asked to undergo? After all, I suppose in 99 cases out of 100 the accused person would like to be dealt with summarily, but it is the hundredth person I am thinking of, where a person prefers to have the charge hanging over him because he is not confident that his character would be fully investigated at a summary court and prefers to go to a jury. I think we should make it possible for that individual to demand trial by jury.

**ATTORNEY-GENERAL:** He can appeal against the decision to the Circuit Court. Of course, it will involve delay, but he can still appeal against the decision to treat the matter as one for summary jurisdiction.

**Major COOPER:** He would have to be legally represented in each case and have to pay a double set of costs.

Amendment put and declared carried.

**ATTORNEY-GENERAL:** I move Amendment 32:—

"In Section 79, B (iii.), line 56, page 16, to insert after the word

'camera' the following words:—  
'and when so heard, if the assaulted person is a female, one other female person nominated by the assaulted person shall be entitled to be present in court during the whole hearing of the case.'"

This amendment is in pursuance of an undertaking I gave Deputy Morrissey on the Committee Stage. It provides that where a case of indecent assault is being heard *in camera*, by order of the Court if the assaulted person is a female one other female nominated by the assaulted person shall be entitled to be present in Court during the whole hearing of the case. I think this amendment meets the matter much more successfully than the amendment that was proposed by Deputy Morrissey.

**Mr. JOHNSON:** I think what the Attorney-General has stated is true, but I submit to him this suggestion, that failing the assaulted person nominating another woman to appear in Court, the Court should do so, and to insert the words "nominated by the assaulted person or by the Court." That would ensure that though the accused person might be quite careless, or ignorant enough to fail to make any nomination the Court could do so, and should do so.

**ATTORNEY-GENERAL:** I am afraid I could hardly accept that suggestion, one reason being that it would compel the woman to have someone in Court when she would not want it and when she might desire the case heard completely *in camera*. It would also necessitate providing someone like a wardress or hired listener to introduce into Court when the person concerned had no friend. It would also, arising out of a number of discussions I have had on this Section, on which I have had several representations made to me, appear that people seem to look at it as if the female whose protection they had in mind were the prisoner. That is not so. The person concerned is the accuser, the complainant who comes in from outside and who will be entitled to bring her own friends with her if she so desires.

Amendment agreed to.

Section 79, as amended, ordered to stand part of the Bill.

**ATTORNEY - GENERAL:** I move Amendment 33:—

“ In Section 81, line 34, page 17, to delete the word ‘defendants’ where it first occurs and insert in lieu thereof the word ‘defendant.’ ”

This is a drafting amendment consequential to an amendment on the Committee Stage.

Amendment agreed to.

Section 81, as amended, ordered to stand part of the Bill.

**ATTORNEY - GENERAL:** I move Amendment 34:—

“ In Section 82, line 44, page 17, to delete the words, ‘deal with such charges against children as he may consider to be of a trivial nature in such manner as may seem just,’ and insert in lieu thereof the following words:— ‘there deal in such manner as shall seem just with all charges against children, except charges which by reason of their gravity or other special circumstances he shall not consider fit to be so dealt with.’ ”

This amendment is introduced to meet an undertaking of mine to Deputy Johnson with reference to Children’s Courts. Deputy Johnson proposed an amendment on the Committee Stage and I admitted to him then that I thought the expression “charges of a trivial nature” was hardly a happy one, and that I would try before the Report Stage to devise something more apt.

**Mr. JOHNSON:** I thank the Attorney-General for moving this amendment. It responds quite clearly to my desire in the matter.

Amendment agreed to.

Section 82, as amended, ordered to stand part of the Bill.

**Major COOPER:** I move amendment 35.

To delete Section 92, pages 18 and 19, and to substitute a new Section as follows:—

“ The rule-making authority for the District Court shall be the Min-

ister for Home Affairs, with the concurrence of the Minister for Finance in respect of any matter affecting public revenue or expenditure, and with the concurrence of the majority of a committee consisting of (a) five District Justices to be nominated by the general body of Justices, (b) two practising barristers selected by the Council of the Bar of Ireland, and (c) two solicitors selected by the Council of the Incorporated Law Society of Ireland. Each member of the said committee shall hold office for five years and be eligible for re-election, and casual vacancies shall be filled in accordance with the foregoing principle of selection. The Chairman of the Committee shall be such one of the five District Justices as the members of the Committee shall elect.”

In moving amendment 35 we come back to a matter upon which there was an amount of controversy on the Committee Stage. On that occasion you allowed me to move an amendment based on the Report of the Judiciary Committee, a report which in this instance the Government have completely thrown overboard by adopting a rule-making authority for District Courts purely of their own invention. The Attorney-General on that occasion objected to my amendment because it did not provide for the representation of the Minister for Home Affairs. I have been anxious to meet the Government as far as I could, and I have drafted this amendment providing that the rule-making authority shall be the Minister for Home Affairs, with the concurrence of the Minister for Finance, in respect of any matter affecting public revenue or expenditure and with the concurrence of the majority of a Committee consisting of (a) five District Justices to be nominated by the general body of Justices, (b) two practising barristers selected by the Council of the Bar of Ireland, and (c) two solicitors selected by the Council of the Incorporated Law Society of Ireland.

**AN CEANN COMHAIRLE** resumed the Chair at this stage.

**Major COOPER:** I hope this may prove acceptable to the Government,

[Major Cooper.]

because it is precisely similar to a provision they have made for Circuit Courts, simply substituting District Court for Circuit Court and District Justice for Circuit Judge. When replying I hope the Attorney-General will give some indication as to why what is sauce for the goose should not be sauce for the gander, if one may talk of Judges in that disrespectful manner, and that he will tell us why he should differentiate between the rule-making authority for Circuit Courts and District Courts. He produced one reason which was, I think, that it would be much harder to select five District Justices suitable for this special work than it would be to select five Circuit Judges. That is what I understood, but I may be wrong.

**ATTORNEY-GENERAL:** I wish to correct what I think is an unintentional misrepresentation. I never suggested that it would be impossible to find five District Justices who would be capable

**Major COOPER:** I am very sorry if I misunderstood the Attorney-General. I recollect him stating that considerations of distance might have to be taken into account. After all we may assume that Justices who elect their own representatives will take that into account. As he has accepted that principle I need not argue it further. The point on which I want an explanation is why a different rule-making authority is needed in the case of District Courts to that of the case of Circuit Courts. The second point is that the Attorney-General throughout, and in his amendment, has all the time insisted that in the District Court the rule-making authority should not be the Committee consisting of representatives both of the District Justices, and of the barristers and solicitors practising in these Courts, that they should not be an actual part of the authority but only assist the Minister; while in the case of the High Courts and the Circuit Courts the concurrence of the Committee, or a majority, is necessary. That is a very important point. Here we get back to the old question, the question of status, and why the District Justices

are to be treated on a different plane to the more highly paid and more highly placed members of the judicial profession.

Having regard to the arguments with which we have been met, there does seem to be a certain intention in the Bill to put the District Justice on a different footing and make him, in a sense, not the servant of the people but the servant of the Minister; that he will be more under the Minister in a disciplinary sense, and more under the Minister's control than a Judge of either the High Court or the Circuit Court. I was very glad indeed to hear the Attorney-General say that the District Justices were Judges within the meaning of the Constitution, that they were to be—I think I am quoting him accurately now—independent in the exercise of their functions. But they are not independent in the exercise of their rule-making. They are entirely dependent on the Minister, and even though all the District Justices and all the barristers and solicitors practising in the Courts were to disagree with the Minister, they would have no power; they are only there to assist, and their concurrence is not necessary. One cannot help feeling that the Minister may, if he thinks fit, sweep away all the recommendations with one stroke of the pen just as the Government in this case have done with the recommendations of the Judiciary Committee.

**AN CEANN COMHAIRLE:** There are three amendments, and in amendments 35 and 36 the principle is the same, namely, to substitute the word "concurrence" for the word "assistance."

**Mr. JOHNSON:** There is a difference also in respect to the solicitors and barristers.

**AN CEANN COMHAIRLE:** Yes; but the principle is exactly the same. The Attorney-General, if one might say so, is inserting one solicitor and one barrister. Before we start with the discussion of these amendments, perhaps we could come to an agreement with regard to the way in which they are to be dealt with. If we took amendment 37 we might be able to dispose of the question of barristers and solicitors,

and then we would have the general question of "concurrence" instead of "assistance" on amendment 35.

**Major COOPER:** I do not want to press my point. I appear to have anticipated Deputy Johnson in putting on representatives of those who work in the Courts. I suppose he will now attribute other views to me. I will not fight the Attorney-General over the question of one or two. If he thinks it better only to have one barrister and one solicitor, I will not press that point.

**AN CEANN COMHAIRLE:** Suppose we take amendment 37 then?

**ATTORNEY-GENERAL:** I move amendment 37 entirely without prejudice.

**AN CEANN COMHAIRLE:** Does Deputy Redmond object to that?

**Captain REDMOND:** I was going to say that the main point, to my mind, in these amendments is, not the number of barristers or solicitors proposed on this Committee, but rather whether they are to be there as assistants or part of the rule-making authority.

**AN CEANN COMHAIRLE:** I think I pointed out that the difference of principle is "concurrence" instead of "assistance."

**Captain REDMOND:** Amendment 37 only proposes that they should be added after the word "assistance." I would suggest that the best course for us to adopt would be, as far as we are able, to decide first of all whether it is to be with the concurrence of these gentlemen or with their assistance. Having decided that question, then the question arises: How many of them, and in what capacity they are to act?

**AN CEANN COMHAIRLE:** Yes, but there are two in amendment 35, and only one in 37.

**Captain REDMOND:** I do not think the question of numbers amounts to anything.

**AN CEANN COMHAIRLE:** If the amendment were put whether there would be one or two?

**Captain REDMOND:** If we were to

pass amendment 37 it would amount to acknowledging the representatives of the Bar and the solicitors' profession as mere assistants and not part of the authority.

**ATTORNEY-GENERAL:** No, that question will be open.

**AN CEANN COMHAIRLE:** That will be still open on amendment 36, which proposes to put in "concurrence" instead of "assistance."

**Captain REDMOND:** I am agreeable.

**Mr. JOHNSON:** The real issue is not between "concurrence" and "assistance," but as to who is to appoint the Committee. That is the issue, because the Attorney-General's amendment must be read in conjunction with Section 94. The Committee appointed by the Minister for Home Affairs will approve by a majority—that is equal to concurrence. The question is: How is that Committee to be appointed?

**ATTORNEY-GENERAL:** That will be open, of course, on Deputy Cooper's amendment.

**AN CEANN COMHAIRLE:** Deputy Cooper has that in his amendment as to how it is going to be appointed.

**Mr. JOHNSON:** I think you raised a question as to whether the issue was "concurrence" or "assistance." I submit that is not the issue. The issue is, who is to appoint?

**AN CEANN COMHAIRLE:** I quite agree; that is so.

**Major COOPER:** The point that arises is that in Deputy Johnson's amendment the concurrence of the majority of the Justices will be necessary, but the concurrence of the representatives of the bar and solicitors' profession will not—they do not come into Section 94. I would be willing to convenience the Dáil and the Attorney-General.

**AN CEANN COMHAIRLE:** I think we will take the amendments in the order on the paper. Amendment 35 has been moved.

**ATTORNEY-GENERAL:** On amendment 35, it will be remembered that the

[Attorney-General.] controversy here on the last occasion was not quite as Deputy Cooper remembers it, but rather more like what Deputy Johnson has suggested. There were several points at issue, and I made certain offers which I have fulfilled in my amendments. I proposed that I would bring in an amendment to provide that the rules be laid before the Oireachtas, and I have an amendment to that effect. I also stated I would consider associating both branches of the legal profession with the rule-making authority, and my amendment No. 37 is my fulfilment of that undertaking. Deputy Cooper's amendment re-opens the discussion that we had here in Committee on the question as to whether the members of the rule-making authority who were District Justices should be chosen by election from the body of District Justices or should be nominated by the Minister, and it also raises the question of concurrence which I will deal with shortly.

I have myself never been able to see the cogency of the attack made on the subject of concurrence because I suppose for polemical reasons, it studiously and steadfastly ignores Section 94, under which it is provided that the rules shall be approved of by a majority of the justices so nominated, signed and sanctioned by the Attorney-General, the Minister for Home Affairs, and the Minister for Finance, and shall have no validity until so approved of, signed and sanctioned, so that there really is nothing to say on the subject of concurrence if one did not ignore Section 94.

**Captain REDMOND:** May I interrupt the Attorney-General for a moment? I cannot see any reference in Section 94 to barristers or solicitors.

**ATTORNEY-GENERAL:** I did not mention barristers or solicitors. I did mention the subject of concurrence, and perhaps these needless interruptions could be avoided.

**Captain REDMOND:** I am very sorry to interrupt—

**AN CEANN COMHAIRLE:** I think Deputy Redmond refers to one thing and the Attorney-General to another.

The Attorney-General was speaking of the concurrence of District Justices.

**Captain REDMOND:** I was speaking of the concurrence of the whole authority.

**ATTORNEY-GENERAL:** The question of how the District Justices are to be selected for the purpose of drafting rules is, I take it, the matter upon which there is most controversy. I explained in Committee the reason why the Section was put in the way in which it stood, namely, that when you are selecting from a body of considerable number, certain persons to do a technical job—and I think most people will admit that legal draftsmanship is in the nature of a technical job—that the persons who are selected should be chosen for their skill in draftsmanship, and that the best way of arriving at the most skilled was not to circulate ballot papers amongst the body of District Justices in order that they might elect draftsmen from amongst their number. I suggest that that proposition cannot recommend itself to any reasonable person. You will have 33 District Justices dotted all over the country, and it must be remembered it is sheer confusion to suggest that the drafting of the rules of the Court is anything like the nature of the discharge of a judicial function. It is the doing of a technical piece of work which will come before the Dáil for final approval as regards matters of substance before it becomes effective, but to say that ballot papers are to be sent out to 33 District Justices and to put it to them to elect members of their body with whom perhaps they are not in daily contact, without an opportunity of consulting these persons, is, in my opinion, not a reasonable proposition. Moreover, the selection might be one of the greatest inconvenience, because draftsmen, during the time they are engaged upon this very difficult and very heavy task, involving the reading of many Statutes, Petty Sessions Acts, and so on, and the various existing rules, and the consolidating of them into a coherent, simple code of procedure will involve having a number of the Justices in Dublin for an extended period. If those who are to engage upon this are



to be selected by election, probably every Justice would vote Number 1 for the Justice of his own district, and certainly he will hardly be able to consider a very important consideration, namely, whether the particular Justices proposed to be elected can be spared and their places filled by Deputy Justices while they are so engaged. The position of the Circuit and the High Courts is quite different. The High Court rule-making authority consists of all the Judges. They are all here in Dublin, all accessible to one another for frequent consultation. The rule-making authority of the Circuit Court consists of a majority of the Circuit Judges—five of the eight—who would presumably be accessible, probably residing in Dublin, or at least a number of them will. When you come to the 33 District Justices, I suppose everyone who has sat on a drafting committee would agree with me—I am sure Deputy Figgis would, if he were here—that a large drafting committee is not as efficient as a small one; in fact that even a Committee of one might be the most efficient drafting committee of all.

The object of this provision is to have a small selected number of technicians, chosen from the body of District Justices, to do a technical task here in Dublin until they finish it, and the result then will be laid on the Table here for discussion as to whether it meets with the approval of the Dáil. These are the reasons for adhering to the proposal as we originally drafted it. I have tried to give effect to my undertaking as to the submission of the rules and as to the associating of members of both professions who will be a check upon the operations of the Drafting Justices, and I say that the idea of concurrence is fully met by Section 94, where approval is required, and co-ordination of the rules with the rules of the other Courts will be secured by requiring the approval of the Attorney-General of the time of the rules before they can become effective. For these reasons I suggest that Deputy Cooper's amendment is not workable, is not reasonable in all the circumstances, and should be rejected.

**Captain REDMOND:** I note the concluding words of the Attorney-General.

He says that, in his opinion, the amendment is not reasonable and is not workable. I wonder does the Attorney-General remember anything about the Judiciary Committee, of which he was a member? Does he now say—

**ATTORNEY-GENERAL:** Nominated by the Minister for Finance of the day.

**Captain REDMOND:** Nominated by, I do not care whom. I am not talking of its nominators but of its composition, including the Attorney-General. I wonder

does he remember that in the report, which he signed, the rule-making authority proposed for the District Courts was with the exception of making no mention whatever of the Minister for Home Affairs, or any other Minister, precisely the same as the amendment now proposed by Deputy Bryan Cooper. Was it then unreasonable? Was it then unworkable? If it was, how came the Attorney-General to sign the report? If it was not, what has happened in the meantime to make it now unreasonable or unworkable? I have heard many plausible reasons put forward for departures from previous opinions or convictions, or even declarations over one's own signature, but I never heard a more flimsy, or shallow, or less substantial defence of such a change of attitude as that put forward by the Attorney-General. This Judiciary Committee, of which the Attorney-General was a member and a signatory, never mentioned any Minister in relation to any rule-making authority, and during the Committee Stage when I complained of the introduction of a Minister—I do not care who the Minister is—I was told by the Attorney-General that the same applied in practice both in England and in Ireland. Perhaps I may refresh the Attorney-General's memory—it seems to be rather lax in regard to the Judiciary Report, and it may not be perfect on this matter either—on the method adopted both in England and in Ireland in the past for rule-making authorities. All rule-making authorities in the past, both in England and in Ireland, both in Common Law and in Chancery, were made by Judges, and Judges alone. In the Judicature Act of 1873, which ap-

[Captain Redmond.]  
 applied only to Great Britain, there was a schedule containing certain rules, but in Section 74 of that Act it is laid down that at any time with the concurrence, mark you, of the majority of Judges, that the Supreme Court in England may alter, annul, or make rules. There is no mention whatever in this English Judicature Act of a Government Minister. But what about the Irish Judicature Act of 1877?

**ATTORNEY-GENERAL:** I never said there was any Minister mentioned in either of the Judicature Acts.

**Captain REDMOND:** What about the Irish custom, where the Attorney-General mentioned that it was the Lord Lieutenant? His words were, in point of fact, that the Judicature Rules in this country up to this have been made by the Lord Lieutenant. The Irish Judicature Act of 1877, following the English one, also provided for a set of Rules in the Schedule, but Section 61 of that Act says that "the Lord Lieutenant may with the concurrence of a majority of Judges of the Supreme Court alter, or annul, or have power to make Rules." Why was the Lord Lieutenant brought into the Irish Act? The answer is very simple, because we had no Parliament of our own at that time, and instead of laying the Rules on the table of the British House of Commons, as was done in the case of the English Rules, the Rules were promulgated by the Lord Lieutenant by Order in Council. As for the Lord Lieutenant having anything to say in the making or alteration of any existing Rule, the Attorney-General knows as well as I do, that he was merely the means of having the Rules as made or altered by the Irish Judges, and by them alone, put into effect. Therefore, if anyone should have anything to do with rule-making authorities in this country it certainly should not be any Minister, but the representative of the King. If the Governor-General should be placed in the same position as the Lord Lieutenant was, he would be merely the means of putting these Rules into effect by an Order in Council and not be any party to the making of them. There is no necessity for that now because we have our own Parlia-

ment, and, therefore, our own Rules can be laid on our own Table, as were the English Rules in the English Judicature Act of 1873. When this question of rule-making authorities arose, as I presume it did, in the discussions—and I suppose there were some discussions—in the Judiciary Committee, why was it that the Attorney-General did not then propose that some Minister should be part of these rule-making authorities? No such thing. He assented, and he signified his assent by affixing his signature to an unanimous report recommending that the rule-making authorities should consist of the parties mentioned in Deputy Cooper's amendment, with the exception of the Minister for Home Affairs, or any other Minister. However, the Attorney-General has changed his mind. He is rather fond of change; but he is entitled to it also, and we must accept the inevitable. The Minister for Home Affairs is to be part of the rule-making authority. That, I am afraid, now seems to be a cardinal principle with the Attorney-General, and I presume the Government. Very well, if the Minister for Home Affairs is to be part of this rule-making authority he should not be the sole rule-making authority. That is my complaint. My complaint in the first instance is, that he should have anything to do with the rule-making authority, and my second complaint is that he should be the sole rule-making authority. He is not the sole rule-making authority for the High Court, nor for the Circuit Court. A member of the Government, Deputy Duggan, I think, moved that the word "assistance" be deleted, and substituted therefor the word "concurrence" in relation to Circuit Judges. So far so good, but why should he be still the sole rule-making authority for District Courts? It may be said that he is to act with the assistance of certain Justices nominated by him, and also the Attorney-General has been graciously pleased to add, to a limited degree, at any rate, certain members of the legal profession.

In the first place the District Justices are to be nominated by the Minister for Home Affairs. They are not to be elected as was proposed in the Judiciary Committee Report. Why?

Up to this, frankly, I tell the Dáil I do not know. I have got no answer yet that I can consider an answer from the Attorney-General on the point. He says that these District Justices will require to have great knowledge and great learning in order to be able to draft rules. Granted. Who is to determine their capacity for drafting rules? Is it the Minister for Home Affairs? Is he such a judge of District Justices' capacity that he is better able to judge them in that respect than their own brother justices? The Attorney-General talks in a very flippant way of sending round ballot papers. I wonder did he talk that way in the Judiciary Committee. The Attorney-General smiles at the suggestion of having an election of District Justices. I wonder did he talk that way in the Judiciary Committee. What is there more extraordinary or more impossible or less feasible in the holding of an election among thirty-three District Justices than among eight County Court Judges? It is only a difference of number. No other difference whatever. "But," says the Attorney-General, "Circuit Judges will be all round Dublin; they will be quite accessible." I thought this was a Bill to decentralise litigation. I thought this was a Bill whereby the Circuit Judges would be constantly at work throughout the country, and that they would not be settled down in their snug, contented homes in Dublin for three-quarters of the year. But now we hear they will be quite accessible. They will be really at our door. To tell the truth, there is no more reason why District Justices should be nominated than why Circuit Justices should be nominated, and I defy any member of the Government to give me any reason. So much for the point of nomination.

Now, we come to the question of "assistance" or "concurrence." I quite agree that Section 94 does provide for the approval of the District Justices, whether these District Justices were nominated or elected, as the case may be. In this case, according to the Bill as it at present stands, they will be nominated; but Section 94 says nothing about the position of barristers and solicitors, whom the Attorney-General

has now added to the Committee. I admit he has added them in a very limited sense. He has added them only as assisters. He has politely told the Minister for Home Affairs, "You can take the opinion of barristers and solicitors, if you like, but their opinion will not count, it will have no effect legally." That is what it will amount to. Section 94, even with a limited scope of the barristers and solicitors on this Committee, entirely ignores it. I will be asked, "Oh, why should Section 94 have anything to do with it?" I would suggest that when we come to that Section, no matter in what capacity solicitors or barristers are placed upon this Committee they should at least be recognised in Section 94. Now, we have here a strange state of things. We have the Attorney-General and the Government producing a Bill, nominally in accordance with the Judiciary Committee which they have brought into existence. At one time they adopt the Judiciary Committee's Report and tell anyone who was opposed to it that that was not in the Judiciary Committee's Report. Another time they refused to adopt it, and, if anyone says that it was in the Judiciary Committee's Report, they as much as say, "Oh, we signed this yesterday, but we have changed our minds to-day." I think there should be some more substantial reason given to the Dáil for this change of attitude, and for this striking differentiation between District Justices and other judges. We were all delighted to hear the Attorney-General admit to-day that District Justices are judges. If they are judges they are entitled in this respect, as much as in any other respect, to be treated as judges. But, there is no doubt whatever that the placing of the rule-making authority under the complete control, as the Section as it now stands does, even with the addition of the barristers and solicitors and the Minister for Home Affairs, leave one to surmise that there is something at the back of the head of the Attorney-General or the members of the Government whereby they seek to differentiate between the status of the District Justices and other judges. The Attorney-General has ful-

[Captain Redmond.]  
filled his promise by his two amendments.

I fully acknowledge what he has done in that respect, but I thought that by now he would have come to see, just as he did in regard to those two matters, that he could easily have gone the whole hog, that he could easily have placed the District Justices in precisely the same position in regard to the rule-making authority as the other Judges. I think it would be better for the sake of uniformity, and it would render the Bill a far more symmetrical one, and it would adopt the same principle in regard to all the Judges. I yet have to have it shown to me why there should be any distinction in regard to the method, the composition, or the manner in which the rule-making authority for District Justices should be set out, from the composition and the manner of the other judges. Perhaps it is not too late for the Attorney-General to relent. I certainly think that this is a matter of considerably more gravity than most Deputies might realise. The whole future of the working of the District Courts will largely, if not entirely, depend upon the rules which are made for the procedure and the practice of those Courts. Everyone in the country is concerned in them, not only members of the legal profession, especially country solicitors, but also every one who may at one time or another have the misfortune to come before those Courts. I think we deserve an explanation more substantial, and with more sincerity behind it, than has been given by the Attorney-General.

**Major COOPER:** I do not mean to suggest, and I hope I do not suggest, that the Attorney-General did not fulfil those pledges. He has fulfilled every pledge he made, but I think he will agree that this matter was left open between us. He promised to give it consideration, and I was free, if the result of that consideration did not meet with my approval, to suggest an amendment. There is one thing which I think was a little unfair; he more or less suggested I was in favour of a large Drafting Committee. I never in my life suggested such a thing. The Drafting Com-

mittee I suggest in this amendment is actually smaller than the Drafting Committee for the High Courts, and is the same size as the Drafting Committee for the Circuit Courts. When the Attorney-General was talking about the Drafting Committee for the Circuit Courts he rather confirmed my suspicion that he does not know the Circuits very well. He talked as if the majority of the Circuit Court Judges will be living within a short distance of Dublin.

**ATTORNEY-GENERAL:** As a matter of explanation, assuming the rules are all prepared now, the District Justices are already appointed. They are all actually engaged on their work. The Circuit Court Judges, before they commence their work, will be here available to draft the rules.

**Major COOPER:** That was not quite clear to me, but I will not pursue it further; yet I am not entirely convinced. Now I come to the question of elections. I always thought that the larger the constituency you had to choose from, the better representatives you were likely to get. In choosing five Judges from eight, you might possibly get one or two not really qualified. If you have 33 to select from, you are much more likely to choose the five men best fitted for the job. There are arrangements for relieving District Justices while they are on their holidays. If it is contended that thirty-three District Justices are not fit to choose men to represent them on a rule-making authority, what becomes of democracy? Law-making is as complicated and technical as rule-making. Drafting amendments is as difficult as drafting rules, yet we can go into the streets and take every man and woman of 21 years and they can choose their representatives for this difficult and technical work. Now, the Attorney-General says you cannot trust thirty-three educated barristers or solicitors to choose for themselves a rule-making authority. Really, I am not convinced, and while I am sorry to be thought unreasonable, until I get more convincing reasons than those put forward I will stand to my guns.

The Dáil divided: TÁ, 23; Níl, 44.

Pádraig F. Baxter.  
Seán Buitléir.  
John J. Cole.  
Bryan R. Cooper.  
Darrell Figgis.  
John Good.  
Connor Hogan.  
Seamus Mac Cosgair.  
Tomás Mac Eoin.  
Pádraig Mac Fhlannchadha.  
Pádraig Mac Giollagáin.  
Risteárd Mac Liam.

Tá.

Tomás de Nóglá.  
Aodh O Cúlacháin.  
Liam O Daimhín.  
Seán O Duinnín.  
Donchadh S. O Guaire.  
Mícheál R. O hÍfearnáin.  
Domhnall O Mocháin.  
Domhnall O Muirgheasa.  
Tadhg P. O Murchadha.  
William A. Redmond.  
Tomás O Conaill.

NIL.

Earnán de Blaghd.  
Seamus Breathnach.  
Seoirse de Bhulbh.  
Próinsias Bulfin.  
Louis J. Dalton.  
Máighréad Ní Choileáin, Bean Uí  
Dhrisceóil.  
Patrick J. Egan.  
Osmond Grattan Esmonde.  
Desmond Fitzgerald.  
William Hewat.  
Domhnall Mac Cárthaigh.  
Liam T. Mac Cosgair.  
Maolmhuire Mac Eochadha.  
Pádraig Mac Fadáin.  
Seán P. Mac Giobúin.  
Seoirse Mac Niocaill.  
Liam Mac Sioghaird.  
Liam Mag Aonghusa.  
Pádraig S. Mag Ualghairg.  
Martin M. Nally.  
John T. Nolan.  
Peadar O hAodha.

Mícheál O hAonghusa.  
Cristóir O Broin.  
Seán O Bruadair.  
Próinsias O Cathail.  
Aodh O Cinnéide.  
Conchubhair O Conghaile.  
Eoghan O Dochartaigh.  
Seamus N. O Dóláin.  
Peadar S. O Dubhghaill.  
Pádraig O Dubhthaigh.  
Eamon S. O Dúgáin.  
Seamus O Leadáin.  
Fionán O Loingsigh.  
Thomas O Mahony.  
Pádraig O Máille.  
Seamus O Murchadha.  
Pádraig O hOgáin (Gaillimh).  
Seán M. O Suilleabháin.  
Andrew O'Shaughnessy.  
Caoimhghín O hUigín.  
Seán O Príomhdhail.  
Patrick W. Shaw.

Amendment declared lost.

**Mr. JOHNSON:** I beg to move:—

“ In Section 92, page 19, line 1, to delete all after the word ‘ expenditure ’ to the end of the Section and to substitute therefor the words:—

‘ and with the concurrence of the majority of a committee consisting of five Justices of the District Court elected by the Bench of District Justices. Each member of the said committee shall hold office for five years and shall be eligible for re-election, and casual vacancies shall be filled by election as aforesaid. The Chairman of the Committee shall be such member as the members of the Committee shall elect.’

Amendment 36 raises pretty well the same question, and confines the Committee to five Justices of the District Court elected by the Bench of District Justices, leaving out practising barristers and solicitors. I assume from the discussion in Committee on the last occasion that the Attorney-General had an objection to practising barristers,

and perhaps a greater objection to solicitors. I therefore thought the amendment, in the form in which it was sent in, would more likely meet with his approval than if it contained these two elements. There is no need to go over the argument again. I believe, it is unwise to leave the nomination of this Committee to the Minister for Home Affairs, who is a political officer.

**ATTORNEY - GENERAL:** Is this amendment not covered by the decision which has been registered? On the question of concurrence, the question of the number of Justices, and the mode of selection, I suggest the amendment is already disposed of.

**Mr. JOHNSON:** I do not know what the decision of the Dáil was. I take it the Dáil passed the inclusion of two practising barristers and two solicitors. That is not what I am proposing. The decision of the Dáil was against accepting the case. That is my proposal.

**AN CEANN COMHAIRLE:** It is very hard to say what the decision of the Committee was. The discussion was on the mode of selection of a particular body, and whether the concurrence or assistance of the body should be in question. From that point of view I think the matter of concurrence, and the question of selection which comes into this Amendment have been decided upon, and seeing that a decision has been reached, I think a discussion on this Amendment could only be a repetition of the previous one.

**Mr. JOHNSON:** I want to ask the Dáil to decide that the Amendment I put down is an amendment acceptable. It differs distinctly from the amendment upon which we have voted. I do not intend to cover the grounds already travelled. I do not intend to urge reasons why this Amendment should be accepted.

**AN CEANN COMHAIRLE:** Is it agreed to negative amendment 36?

Amendment put and negatived.

**ATTORNEY-GENERAL:** I move:—

“ In Section 92, line 1, page 19, to insert after the word ‘ assistance ’ the words ‘ of a Committee consisting,’ and in line 3 to add after the word ‘ purpose ’ the words ‘ one practising Solicitor nominated by the President of the Incorporated Law Society of Ireland, and one practising Barrister nominated by the Council of the Bar of Ireland.’ ”

This is to fulfil my undertaking to associate members of the two professions with the rule-making authority, and notwithstanding what Deputy Johnson has said, I do not know which of the two professions deserves or has my greater affection. I may say I would be quite willing to amend Section 94 by inserting the names of the two professional men, that is by adding two persons who must approve of the Rules.

Amendment put and agreed to.

Ordered that Section 92 as amended stand part of the Bill.

**ATTORNEY-GENERAL:** If I have agreement I would propose to amend

Section 94 by saying “ By a majority of the Committee consisting of the Justices named by the Minister as aforesaid and the practising Solicitor and Barrister aforesaid.”

**Mr. JOHNSON:** Would it be simpler to say “ Majority of the Committee aforesaid ? ”

**ATTORNEY-GENERAL:** Yes, “ Majority of the Committee aforesaid.” I beg to propose that these words be inserted in Section 94.

Amendment put and agreed to.

**Captain REDMOND:** I am most grateful for this little crumb of comfort and I much appreciate it.

**Major BRYAN COOPER:** I desire to thank the Attorney-General for this acceptable concession.

Question: That Section 94, as amended, stand part of the Bill—put and agreed to.

**ATTORNEY-GENERAL:** I beg to propose amendment 39.

To insert in Part IV. before Section 95, page 19, a new Section as follows:—

“ All existing solicitors of the Supreme Court of Judicature in Ireland and all existing Commissioners to administer oaths shall be transferred to and become solicitors and commissioners respectively of the several courts established under this Act.”

This is simply the removal from an earlier part of the Bill of what is a general provision, and which, therefore should not be included amongst the particular Sections. It is a provision dealing with solicitors and commissioners.

Amendment put and agreed to.

**ATTORNEY-GENERAL:** I move the following amendment:—

“ To insert in Part IV. before Section 95, page 19, a new section as follows:—

‘ Nothing contained in this Act shall take away or prejudice the right of any party to any action in the High Court or the Circuit Court (not being an action for a liquidated sum, or an action for the enforce-

ment, or for damages for the breach of a contract) to have questions of fact tried by a jury in such cases as he might heretofore of right have so required in the Supreme Court of Judicature in Ireland, and with like directions as to law and evidence, but no party to an action in the High Court or the Circuit Court for a liquidated sum, or an action for the enforcement or for damages for the breach of a contract shall be entitled to a jury unless the Judge shall consider a jury to be necessary or desirable for the proper trial of the action, and shall of his own motion or on the application of any party so order. Subject to all existing enactments limiting, regulating, or affecting the costs payable in any action by reference to the amount recovered therein, the costs of every civil action, and of every civil question or issue tried by a jury in the High Court or the Circuit Court shall follow the event, unless, upon application made, the Judge at the trial shall for special cause shown and mentioned in the order otherwise direct; and any order of a Judge as to such costs may be discharged or varied by the appellate tribunal."

This amendment transfers from Section 48 the provision dealing with juries in Circuit Courts and inserts it here amongst the general provisions at the end and applies it to the High Courts. It contains two new provisions to which I should direct attention. The first is that in an action of contract a jury must be asked for. That is, an application must be made to the Court to have a jury in actions of contract. In cases of tort a jury is obtained merely by serving a notice in the office. Here a judicial ruling will be necessary, and it will be for a Judge to decide that a case is one which involves issues of fact which should be submitted to a jury or whether it is a matter of law which ought not to be submitted to a jury. This part of the amendment gives effect to an understanding given to Deputy Good and other Deputies as regards the question of prosecuting actions of contract. In that connection for some years past there has developed in the High Court a system of non-jury trials for business

cases which proved very efficient, particularly as developed by Mr. Justice Dodd who, since the death of Chief Baron Palles, has been the greatest common lawyer we have in this country. Under him a system of non-jury trials was developed. I think it will be found that that system in contract cases, many of which should be sent for account before an official, will be found satisfactory.

Now, the second provision is one which the Bar is anxious to have inserted. It begins with, "Subject to all existing enactments," and the purpose of it is this, that "The cost of every civil action and of every civil question and issue tried by a jury in the High Court or in the Circuit Court shall follow the event unless, upon application made, the Judge at the trial shall for special cause shown and mentioned in the order otherwise direct"; and then there is power of appeal on the Judge's ruling as to costs. The point of that provision is this: If the Judge in a jury case has still absolute discretion for awarding costs, notwithstanding what the jury's verdict may be, then the advocate has to trim his sails, and instead of devoting his attention to getting a verdict from the jury he has to proceed in such a manner as may not offend the Judge, who has a very serious whip in his hands in the matter of costs. It is the opinion of the Bar that this provision, which existed under the old Judicature Act, did not make for independence of advocacy, and the Bar is anxious that this amendment should be inserted in the Bill.

Amendment put and agreed to.

Question—"That the new Section be added to the Bill before Section 95"—put and agreed to.

**ATTORNEY-GENERAL:** I beg to move amendment 41, as follows:—

"To insert in Part IV. before Section 95, page 19, a new section as follows:—

"In every trial whether in the High Court or the Circuit Court of a civil case before a judge and jury, the jury shall consist of twelve members and a majority vote of nine of those twelve members shall be necessary and sufficient to determine the

[Attorney-General.]

verdict. The judge shall so inform the jury and the verdict of such nine members or upwards shall be taken and recorded as the verdict of the jury, without disclosure of the dissentients, if any such there be."

This amendment transfers the provision as regards a verdict of nine members of a jury being sufficient. It is put here amongst the general provisions and applies to all juries. There is one reason in particular why that is necessary, namely, that doubts have arisen whether the old County Court Jury provision which provided for a jury of six, would not have survived in relation to cases within the old County Court Jurisdiction and so would have complicated the matter. This amendment gets rid of the doubt and applies the verdict of nine to all verdicts in civil cases.

Amendment put and agreed to.

Question: "That the new Section be added to the Bill before Section 95," put and agreed to.

**ATTORNEY-GENERAL:** I beg to move amendment 42 as follows:—

"To insert in Part IV. before Section 95, page 19, a new Section, as follows:—

"Every appeal from a judgment of the High Court or the Circuit Court in an action tried by a judge and jury, or from any other judgment of the High Court or the Circuit Court founded on the verdict of a jury in a civil case, shall be made by way of motion before the appellate tribunal for a new trial, and, in the case of an appeal from the Circuit Court, the allegations on which such motion may be grounded shall include the allegation that the verdict of the jury was against the weight of the evidence or was otherwise perverse."

This amendment provides specifically for the manner of appeal in the case of actions which have been tried by a jury. There were doubts expressed as to what the effect of the more naked form of appeal, as given in the original draft of the Bill, would be, and it was thought well that the appeal in jury

cases should be by way of a new trial motion with the ground added, which has largely been excluded from consideration by the development of a judicial decision in recent years, namely, the ground of objection that the verdict has been against the weight of the evidence.

Amendment put and agreed to.

Question: "That the new Section be added to the Bill before Section 95"—put and agreed to.

**ATTORNEY-GENERAL:** I beg to move Amendment 43, as follows:—

"To insert in Part IV., before Section 95, page 19, a new Section, as follows:—

"So much of the buildings and premises commonly known as Dublin Castle and of the precincts thereof as shall for the time being be appropriated for the holding of any Court established under Parts I. or II. of this Act or for the use or accommodation of any judge or officer of any such Court or for the transaction of the business of any office attached to any such Court shall be deemed and is hereby declared to be situate for all purposes both in the County of the City of Dublin and in the County of Dublin."

This amendment is necessary for technical reasons. Originally the Four Courts were built under Statute and the same applied to Green Street Courthouse. They were both deemed to be situate in the County and in the City of Dublin, and the necessity for that was for the purpose of criminal trials so that in cases arising in the County of Dublin they could be heard either at the Four Courts or in Green Street Courthouse.

Amendment put and agreed to.

Question: "That the new Section be added to the Bill before Section 95"—put and agreed to.

**ATTORNEY-GENERAL:** I beg to move Amendment 44, as follows:—

"To insert in Part IV., before Section 95, a new Section, as follows:—

"The Declaration to be taken on



appointment by every judge of the Supreme Court, the High Court and the Circuit Court and by every Justice of the District Court shall be as follows:—I

do solemnly and sincerely before God promise and declare that I will duly and faithfully and to the best of my skill and power execute the office of Chief Justice of the Supreme Court (or President of the High Court, or Judge of the Supreme Court or of the High Court or of the Circuit Court or Justice of the District Court *as the case may be*) of Saorstát Eireann without fear or favour, affection, or ill-will towards any man, and that I will uphold the Constitution of Saorstát Eireann as by law established.

“Such declaration shall be made and subscribed by the Chief Justice in the presence of the Governor-General and by each of the other judges and justices aforesaid in the presence of the Chief Justice in open Court.

“Any judge or justice who declines or neglects to take the declaration aforesaid in the manner aforesaid shall be disqualified from entering on and shall be deemed to have vacated his office of judge or justice (as the case may be).”

This amendment is for the purpose of complying with an undertaking that the President gave to Deputy Magennis with reference to the form of declaration to be taken by judges. This amendment provides a form of declaration for all judges in all Courts and, in addition, provides for the effect of a Judge refusing or neglecting to take a declaration. Deputy Magennis suggested that the original form of declaration was not sufficiently solemn or awe-inspiring, and we have attempted to make it in a more solemn form.

**Mr. JOHNSON:** I desire to raise a question as to whether the form of this declaration is not in the nature of an oath and whether it is likely to raise objections from two quarters. Take the Society of Friends. Would, I ask, a Quaker be willing to accept such an oath in that form?

**Professor MAGENNIS:** It is not an oath.

Vol. 5.

**Mr. JOHNSON:** Well, I do not know. The declaration says: “I do solemnly and sincerely before God promise and declare.” I have an opinion that that may be taken by some persons as more than a declaration, and that it may be objectionable. I do not know but I suggest that the matter is worthy of inquiring into. There are other sections of the population, very small I have no doubt, but bearing in mind the Constitution, there may possibly be atheists who are capable Judges, and the question is whether this declaration would debar a person from getting such an appointment. I think this form is different from the affirmation or declaration that is required in the courts. I just raise this question but I do not press it. I have not made any inquiries in the matter but the question is one that may arise.

**ATTORNEY-GENERAL:** Under the English Promissory Oaths Act there is an actual form of oath provided for judges but by other legislation that was passed in the course of time in England it was permitted to substitute other oaths in the case of forms of declaration where persons' religious belief or disbelief did not permit of their taking the oath. I believe that the existing legislation in favour of such persons would apply to this if it is considered to be an oath, but I do not think it is an oath at all.

Amendment put and agreed to.

Question: “That the new Section be added to the Bill before Section 95”—put and agreed to.

**ATTORNEY-GENERAL:** I beg to move amendment 45 as follows:—

“To insert in Part IV. before Section 95 a new Section as follows:—

‘A person who has been a judge of the Supreme Court of Judicature in Ireland or a Recorder or County Court Judge in Ireland shall not be disqualified from being appointed a judge of the Supreme Court, the High Court, or the Circuit Court by reason of his having at the date of such appointment already attained the age prescribed by this Act as the age of retirement of the judges of

[Attorney-General.]

such Court, and where such person as aforesaid is appointed to be a judge of any of the Courts aforesaid after he has attained the age of retirement aforesaid, the age of retirement shall in his case be deemed to be extended to the maximum age to which it could be extended by the Executive Council under this Act."

This amendment was introduced to give effect to an undertaking that I gave here that provision would be introduced enabling if thought fit the existing judges, even though they were over the age limit, to be appointed. The provision merely leaves it open to the Executive Council to  
7 o'clock. advise the appointment should the Executive Council think fit, and I hope no one will regard it as more than keeping the matter open.

Amendment put and agreed to.

Question: "That the new Section be added to the Bill, before Section 95," put and agreed to.

**ATTORNEY-GENERAL:** I beg to move Amendment 46: "To insert before Section 95, page 19, a new Section, as follows:—

"All rules of court made under this Act shall be laid before each House of the Oireachtas within fourteen days after they are made, if the Houses of the Oireachtas be then sitting, or, if not, within fourteen days after the commencement of the next session of such Houses, and if a resolution is passed by either House within one month after the rules have been laid before such House to the effect that the same or any of them should be annulled, the rules or rule referred to in such resolution shall be null and void, without prejudice, however, to the validity of any proceedings meantime taken under the same."

This amendment provides that all rules of court shall be laid before both Houses of the Oireachtas, and so far it fulfils the promise made with regard to the District Justices.

Amendment put and agreed to.

Question: "That the new Section be added to the Bill before Section 95"—put and agreed to.

**ATTORNEY-GENERAL:** I beg to move Amendment 47, as follows:—

"In Section 95, page 19, to delete all from the word 'shall' in line 37, to the word 'Act,' in line 47 inclusive, and to insert in lieu thereof the words 'or the Divisional Magistrates of the Police District of Dublin Metropolis shall continue to hold office by the same tenure as heretofore, and to discharge the duties heretofore discharged by them or duties analogous thereto. Every question which shall arise as to whether any duties are analogous to any other duties shall be determined by the Chief Justice, whose decision shall be final.'"

It will be remembered that on the Committee Stage Deputy Duggan introduced an amendment providing for the existing staffs of the Courts and for their continuance, pending reorganisation, without prejudice to their position. This amendment brings in a group which had been omitted, unfortunately, in the original amendment, namely, the staffs of the Dublin Police Courts, and it also leaves the question of analogous duties to be determined by the Chief Justice.

**Mr. DARRELL FIGGIS:** Before that amendment is put I would like to raise a point, which is a purely drafting point, for the consideration of the Attorney-General. We have just passed a series of amendments, commencing with amendment 39, and all these are to come before Section 95. Now, the matter of amendment 39 seems to me to be clearly connected with the substance of Section 95, and should precede it, but I suggest that all the later amendments after 39 should follow Section 95. Because although both deal with the continuance of existing officers the later amendments deal rather with the question of procedure.

**ATTORNEY-GENERAL:** There is really no substantial analogy between the position of solicitors transferred to act as solicitors to the new Courts and

the position of the staffs of existing Courts kept temporarily in office.

**Mr. JOHNSON:** I would draw attention to the change in the form, and I would like to ask the Attorney-General if it means anything. It seems to me that while Dublin Metropolitan Police Magistrates are included, the inclusion only applies to the same tenure and duties as heretofore. Now, the Bill as it came from Committee provided for the same terms and conditions and the same salaries, and that they were to be entitled to the same pensions as if this Act had not been passed. I realise it is optional in the persons concerned to retire if the salaries are reduced or any alteration takes place in their terms, but I think some justification should be adduced for altering the provisions of the clause as it emerged from Committee.

**ATTORNEY-GENERAL:** I think it was considered that tenure would sufficiently cover all provisions. There is nothing sinister in the thing so far as I know. Moreover, if any substantial change were made other considerations would arise, because the Deputy will observe at the end of the Section the position under the Treaty is preserved. It was suggested that the thing as it stood might prevent promotion, and I think the expression, "by the same tenure," taken in conjunction with the terms of the Treaty, safeguards their position.

**Mr. JOHNSON:** I raised the question because I noticed that the words, "by the same tenure," were in the original, but the reference to the same terms and conditions was added to "tenure," and I think that probably "tenure" generally covers terms and conditions. I recognise the strength of the position about officers under the Treaty, and if the Attorney-General assures us that there is no decline in the value of the conditions, then there is no objection, but I think it necessary to draw attention to the matter.

**ATTORNEY-GENERAL:** The Treaty is there, and there can be nothing sinister in that.

Amendment agreed to.

Question: "That Section 95, as amended, stand part of the Bill"—put and agreed to.

**ATTORNEY-GENERAL:** I beg to move amendment 48. To insert after Section 96 a new Sub-Section:—

"Every person who shall at the commencement of Part I. of this Act have been sent forward for trial at Assizes or any other Commission of Oyer and Terminer and gaol delivery, and be awaiting trial, and every person who shall at the commencement of this Act have been sent forward for trial by the County Court Judge, or by any Dáil Court as defined by the Dáil Eireann Courts (Winding-up) Act, 1923 (No. 36 of 1923), on any charge excluded from the jurisdiction of the Circuit Court and be awaiting trial on such charge, shall be deemed to have been sent forward for trial by and shall be tried by the Central Criminal Court or, if so directed by the Attorney-General, a court of the High Court Circuit. Every person who shall at the commencement of Part II. of this Act have been sent forward for trial by the County Court Judge, or by any such Dáil Court as aforesaid, on any charge within the jurisdiction of the Circuit Court, and be awaiting trial, shall be deemed to have been sent forward for trial by and shall be tried by the appropriate Circuit Court."

This amendment is to cover the case of persons who may be imprisoned or who may be on bail awaiting trial, having been before the District Court and returned for trial before the Bill comes into effect, and it provides that they are to be brought to trial in due course in the new Courts. In the case of offences within the jurisdiction of the Circuit Courts the case will be dealt with as if sent on to that Court, and the same will apply to the High Courts.

Amendment agreed to. New Section inserted in the Bill.

**AN CEANN COMHAIRLE:** This concludes the amendments for which the Bill was recommitted, and the Committee will now report to the Dáil.

#### **DAIL RESUMES.**

Bill (as amended on recommitment) reported.

**AN CEANN COMHAIRLE:** When is it proposed to take the Report Stage?

**ATTORNEY-GENERAL:** I move that we take the Report Stage at once.

**AN CEANN COMHAIRLE:** The Motion is:—"That the Bill, as amended, be received for final consideration."

**Mr. JOHNSON:** I move an amendment to omit from the new Section 26, which was inserted in Committee, the last paragraph, which deals with the salaries of District Justices. The amendment is to delete the words, "The several salaries aforesaid shall be paid out of moneys provided by the Oireachtas."

**ATTORNEY-GENERAL:** Is it in order that an amendment of that kind which has actually been decided upon can be taken upon a Report of the Committee?

**AN CEANN COMHAIRLE:** Yes, the decision of the Committee was to insert the Section, and the Committee has to report to the Dáil, which has the power of reviewing the Section as decided upon by the Committee, or making any alteration it pleases, I take it.

**Mr. JOHNSON:** The amendment that was passed in Committee, or rather the new Section that was passed in Committee, dealt with salaries of Justices, and it is quite in accord with one's desire that these salaries should be fixed, and therefore it was not competent to vote against the Section. But while the paragraph declared that the several salaries provided aforesaid shall be paid out of moneys provided by the Oireachtas, that seems to call for an expression of opinion from the Dáil. There is no need to discuss the matter that was the subject of discussion that took place upon the Section as a whole, and therefore I do not intend to cover that ground again. I just formally move the deletion of that sub-section.

**Mr. O'CONNELL:** I beg to second.

**Mr. BLYTHE:** Only that it might seem cynical I would accept the amendment. Even if the amendment were carried the Government would still have to come to the Dáil each year for the salaries, so that I propose not to accept it.

**The PRESIDENT:** The difficulty I see is that while it is laid down in Section 44 how the money is to be provided, the amendment of Deputy Johnson means that the method in which this money is to be provided is taken away. As there is no consequential provision it is open to question whether the Ceann Comhairle might not rule out the consideration of these salaries when considering the estimates on the ground that the machinery which was provided in this Bill has been deleted by vote. I do not know whether the Ceann Comhairle would take it upon himself to do such a responsible act as that, but I do say that there would appear to be some grounds for doing it. These salaries are not a charge on the Central Fund. In the case of Circuit Judges, Section 44 sets out that the remuneration and pension payable for a Circuit Judge shall be charged upon and payable out of the Central Fund. I can understand Deputy Johnson's idea with regard to striking out the payment by the Oireachtas, but without a corresponding amendment, specifying where the moneys are to be paid from, I do think that the District Justices would be left without their salaries.

**Mr. JOHNSON:** Of course I realise that the Minister could insert an amendment of that kind in the Seanad.

**The PRESIDENT:** Could the Seanad do it? This is money.

**Mr. JOHNSON:** The Seanad could certainly do it.

**The PRESIDENT:** I do not think they could.

**Mr. JOHNSON:** If the President desires that the form of the amendment should be altered I am quite satisfied.

**Captain REDMOND:** Yes, it is only a matter of form.

**AN CEANN COMHAIRLE:** An amendment to delete "moneys provided by the Oireachtas" and substitute "Central Fund" would certainly provide the District Justices with salaries and relieve the Ceann Comhairle of the enormous responsibility that this particular discussion

seems to be placing upon him. The whole question of the payment of District Justices seems to be weighing on the Ceann Comhairle more than anybody else.

**Mr. JOHNSON:** Might I say that, quite apart from any question of form, I think it is desirable that the Dáil should declare itself on this question, and if there could be general agreement that the amendment should be put to the Dáil in this form—"That the several salaries aforesaid shall be paid out of moneys to be provided out of the Central Fund"—it would be a clearer issue to put before the Dáil.

**The PRESIDENT:** I would agree, if the Deputy so desires, that he should move the adjournment of the debate so that this matter might be taken up to-morrow in order to give Deputies an opportunity of seeing this amendment and having it put before them. I do see the point of the Deputy that a division was not taken on this particular matter, and that he probably would like to have a division. I do not like to take an advantage of him. I am sure he appreciates that merely moving out the part which provides that the Oireachtas shall make good the money does not cover his point.

**Mr. JOHNSON:** I realise that, but the Bill would be still a Ministerial Bill, and it would then be the business of the Ministry to find ways and means of inserting a provision for finding the money.

**Mr. DARRELL FIGGIS:** It might meet the case if, instead of that particular provision, for the deletion of which Deputy Johnson has moved, the words of Section 44 should be taken as they stand, with the change of "Justice of the District Court" for "Circuit Judge."

**The PRESIDENT:** It would take a little time to explain that.

**Mr. DARRELL FIGGIS:** It can be done now.

**AN CEANN COMHAIRLE:** I asked if this was going to be considered this evening or to-morrow. If it is going to be considered this evening we will have

to take the amendment. If it is going to be considered to-morrow the amendment can be altered.

**Mr. JOHNSON:** Unless the Minister is going to consider the possibility of acceptance it is better to take it now.

**The PRESIDENT:** We cannot say for certain how many of these District Justices will be required. That is a point Deputies appear to have given no weight to. It is possible we may reduce them to 25. We cannot say at present. We are dealing with an abnormal situation, even though it is daily and gradually becoming normal. We cannot estimate the number of these men that will be required. The argument has been that it is undesirable we should come to the Dáil looking for a Vote. It appears to me it would be much weaker the other way—if we were to say we wanted 33 and were to commit the Dáil and the country to that number, when possibly we could work down to a smaller number. At any time vacancies must occur, and if a redistribution were to take place, and if the Ministry continued to appoint and reappoint to those vacancies, then there is an opportunity left to the Dáil to criticise the Government for keeping up the service beyond its requirements. Everyone knows, I am sure, that for years past the work of a County Court Judge was looked upon, I think, as a sort of preparation for the next world—at least that it allowed ample time for preparation. We do not want to perpetuate that three months of work in the year. That is why we feel so keenly on it. Even if it is necessary in years to come to introduce a Bill placing them on the Central Fund, just now is not the time to stereotype the number at 33.

**Captain REDMOND:** Would it not be possible to create a maximum number of justices and not necessarily a minimum? Would it not be possible to set it out that not more than a certain number should be appointed, but not necessarily that a certain minimum must be appointed?

**Mr. O'CONNELL:** Does the President wish us to understand that if these salaries are now payable out of the

[Mr. O'Connell.]

Central Fund the Government must continue paying them?

**The PRESIDENT:** Not at all. There is no opportunity for the Dáil criticising it.

**Mr. O'CONNELL:** I maintain so that there is no point in the President's argument if that is the case. The fact that they are payable from the Central Fund does not bind the Government to have a certain number of Justices, and there is nothing to prevent them reducing the number of Justices, in view of developments, if it is advisable to so reduce them.

**Major COOPER:** We have got into the anomalous position of the Government standing up for the rights of

private members and private members wishing to confer more power on the Government. I do not quite see the President's point because if it happens that the Dáil really and sincerely desires to reduce the number of District Justices, surely it would be easy to bring in a Private Member's Bill of one clause, and if there was strong feeling it would be very simple to get it through. In the same way if the Government wished to reduce the number they could do it by one stroke of the pen.

**The PRESIDENT:** We can do it now without one or the other.

Amendment put.

The Dáil divided:—Tá, 15; Níl, 45.

Seán Buitleír.  
John J. Cole.  
Bryan R. Cooper.  
Darrell Figgis.  
Séamus Mac Cosgair.  
Tomás Mac Eoin.  
Pádraig Mac Fhlannchadha.  
Tomás de Nóglá.

Tá.

Aodh O Cúlacháin.  
Donchadh S. O Guaire.  
Domhnall O Muirgheasa.  
Tadhg P. O Murchadha.  
Pádraig O hOgáin (An Clár).  
William A. Redmond.  
Tomás O Conaill.

Níl.

Ernán de Blaghd.  
Séamus Breathnach.  
Seoirse de Bhulbh.  
Próinsias Bulfin.  
Louis J. Dalton.  
Máighread Ní Choileáin Bean  
Uí Dhrisceóil.  
Patrick J. Egan.  
Desmond Fitzgerald.  
John Good.  
William Hewat.  
Conor Hogan.  
Domhnall Mac Carthaigh.  
Liam T. MacCosgair.  
Maolmhuire Mac Eochadha.  
Pádraig Mac Fadáin.  
Pádraig Mac Giollagáin.  
Seán P. Mac Giobuin.  
Risteárd Mac Liam.  
Seoirse Mac Niocaill.  
Liam Mac Sioghaird.  
Liam Mag Aonghusa.  
Pádraig S. Mag Ualghairg.

Martin M. Nally.  
John T. Nolan.  
Peadar O hAodha.  
Mícheál O hAonghusa.  
Cristóir O Broin.  
Seán O Bruadair.  
Proinsias O Cathail.  
Aodh O Cinnéide.  
Conchubhair O Conghaile.  
Peadar S. O Dubhghaill.  
Pádraig O Dubhthaigh.  
Eamon S. O Dúgáin.  
Mícheál R. O hÍfearnáin.  
Séamus O Leadáin.  
Fionán O Loingsigh.  
Pádraig O Máille.  
Séamus O Murchadha.  
Seán M. O Suilleabháin.  
Andrew O'Shaughnessy.  
Caoimhghín O hUigín.  
Seán O Príomhdhail.  
Patrick W. Shaw.  
Liam Thrift.

Amendment declared lost.

**Mr. WILSON:** I would like to raise a point as to the expenses of these District Justices.

**AN CEANN COMHAIRLE:** That is on the question of the Bill being received for final consideration?

**Mr. WILSON:** As to why it should not be.

**AN CEANN COMHAIRLE:** The Deputy is quite in order.

**Mr. WILSON:** I contend that the

travelling allowance which will be supplementary to this £1,000 a year ought to be excluded and that the £1,000 a year should include travelling expenses. I do so in order that it may be definitely understood that we consider £1,000 a year sufficient for these gentlemen, who, by means of cheap motor cars, can travel around the whole area and stop at home at night at practically no cost. For these reasons, therefore, I should like to amend the Bill, making the salary £1,000 a year including travelling expenses. This is in aid of economy and we should have some economy in this direction.

**AN CEANN COMHAIRLE :** The Deputy cannot propose the amendment at this stage, because he is proposing to amend the second last paragraph of the Section after an amendment has been taken to the last paragraph. Therefore, the amendment is not in order.

**Mr. WILSON:** When this particular amendment was passed we voted on two or three separate items, and there was no vote directly confirming the salaries of these District Justices at £1,000 a year. This particular item in this amendment was not debated and was not carried. The whole section as it stood was carried, and Deputy Johnson has moved on one matter. I think that I ought to have some opportunity of bringing up this matter.

**AN CEANN COMHAIRLE:** This is a new Section and it cannot be amended backwards.

**Mr. BLYTHE:** Might I suggest to Deputy Wilson that these travelling expenses will have to come before the Dáil on the estimates. If travelling expenses are allowed it will be for the Minister for Finance, who sanctions them, to justify that sanction and to persuade the Dáil to vote the money.

**AN LEAS-CHEANN COMHAIRLE** took the chair at this stage.

Question: "That the Bill, as amended, be received for final consideration," put and agreed to.

Next stage ordered for Friday next.

**Mr. WILSON:** I would not have time to put in an amendment for the next stage by Friday. I would have to give proper notice.

**AN LEAS-CHEANN COMHAIRLE:** You can only move a verbal amendment on the next stage.

**Mr. WILSON:** This is a verbal amendment.

**AN LEAS-CHEANN COMHAIRLE:** I will leave the Ceann Comhairle to deal with it when it comes forward.

## **CIVIL SERVICE REGULATION (No. 2) BILL, 1923.**

### **FOURTH STAGE.**

**Mr. BLYTHE:** I move the first amendment which has been put down in pursuance of an undertaking which I gave on the Committee Stage. I think it should read: "In Section 1, line 27, to add at the end of sub-Section 3 a new Section as follows:— Every appointment and every removal of a Commissioner under this section shall immediately be published in the 'Iris Oifigiúil.'" That means a full notice shall be given of any change in the personnel and that there can be no, as it were, private removal or appointment of a Civil Service Commissioner.

**Major COOPER:** This carries out the undertaking which the Minister gave me. It does not carry out my wishes fully but I shall not reopen the case. I thank the Minister for what he has given.

Amendment put and agreed to.

**Mr. BLYTHE:** I move in Section 8, line 31, page 5, to insert immediately after the word "Statute" the words "or other authority." This amendment is one originally proposed by Deputy Bryan Cooper. I opposed it on the last stage, but I am not able to argue now that it does any harm.

**Major COOPER:** It certainly does not do any harm. Let us hope it will do some good.

Amendment put and agreed to.

Amendment by Mr. Blythe:—

“ In Section 9, line 48, page 5, to add two new sub-sections as follows:—

(2) All regulations made by the Minister under this section shall be laid before each House of the Oireachtas as soon as may be after they are made, and if both such Houses shall, within the next twenty-one days on which either House has sat after such regulations are laid before the Houses, pass resolutions annulling such regulations, such regulations shall be annulled accordingly, but such annulment shall not prejudice or invalidate anything previously done under such regulations.

(3) The Rules Publication Act, 1893, shall not apply to regulations made under this section.”

**Mr. BLYTHE:** With your permission, I do not propose to move the whole of this amendment, that is, the proposed new Sub-section (3). I think that is unnecessary, and with your permission I only move the first part, which provides that regulations to be made by the Minister for Finance shall be laid on the Table of the Dáil and may be annulled by resolution of the Dáil. The Rules Publication Act provides that 40 days notice shall be given of statutory rules. There is also a provision in it whereby the rule-making authority, in case of urgency or other special reasons, may make provisional rules which come into effect immediately. That would give all the protection and security that I want, and I think it is unnecessary to have this proposed new Sub-section (3). I simply propose to add the new Sub-section (2).

**Mr. JOHNSON:** I am glad that the Minister has decided that this Sub-section should not be moved. The points he has urged were present in my mind, and I thought it carried with it very much more than was desirable to adopt, but on paragraph 2 I think it will be in the memory of the Dáil that the Minister generously conceded the point that the ordinary provision of Bills relating to the laying on the Table of the Houses of the Oireachtas should be made to apply in this case, and it was

generally understood, I think, that that ordinary provision should be brought forward in the form of an amendment. I certainly expected to see that that would be the case, but unfortunately the new Sub-section proposed by the Minister does not carry out that undertaking, or what I understood to be the undertaking. We have just inserted in the Courts of Justice Bill what is the ordinary Clause relating to these rules, which reads:—

“ All rules of court under Part I. of this Act shall be laid before each House of the Oireachtas within 14 days after they are made, if the Houses of the Oireachtas be then sitting, or, if not, within 14 days after the commencement of the next session of such Houses, and if a resolution is passed by either House within one month after the rules have been laid before such House to the effect that the same or any of them should be annulled, the rules or rule referred to in such resolution shall be null and void, without prejudice however to the validity of any proceedings meantime taken under the same.”

That is pretty much the same as the Clause which appears in a number of Bills, but the Section proposed to be inserted says:

“ All regulations made by the Minister under this Section shall be laid before each House of the Oireachtas as soon as may be after they are made, and if both such Houses shall, within the next twenty-one days on which either House has sat after such regulations are laid before the Houses, pass resolutions annulling such regulations, such regulations shall be annulled accordingly.”

For both Houses to pass such resolutions is a very much larger order than for either House to do so, and I think the promise of the Minister is, to that extent, at any rate, not fulfilled. I hope it is a mistake on his part in the formulation of this amendment, and I would urge that the usual section inserted in Bills regarding the placing upon the table of rules and regulations should be inserted in this Bill, and not the section submitted.



**Mr. BLYTHE:** I think Deputy Johnson is labouring under a misapprehension. This clause is the usual clause, and is the one that is in all Bills. The form that is in the Judiciary Bill is an unusual clause. I think it was taken from the Judicature Act of 1877, and the clause I have put down in this amendment is the usual form. Moreover, a great number of these regulations that may be made by the Minister for Finance under this Act will be regulations dealing largely with financial matters, and as to some of which there will be a doubt as to whether they ought to come before the Seanad at all, but in any case they will deal with financial aspects of the matter, and it is undesirable that the Seanad solely or by itself should have the power to annul them.

**Major COOPER:** I acquit the Minister of any breach of faith, because my amendment as originally drafted was worded, "either the Dáil or the Seanad." Then I came to the conclusion that it would possibly be unconstitutional and certainly undesirable to give the Seanad power to override the Minister for Finance on a question as to the financial conditions of the Civil Service. Therefore, I accept the wording now proposed. It would be very desirable if a form was made to allow the Dáil to do it, and not make it necessary to seek the concurrence of the Seanad. I think the best form of all would be, instead of both, to say the Dáil or both; but I do not see that we can make the Seanad supreme arbiter in a financial question. That would be contrary to the Constitution.

**Mr. BLYTHE:** I think if the Dáil passes the resolution the Minister for Finance would be bound to take notice of that and to amend the regulation.

**Mr. JOHNSON:** I think the proposition to ask both Houses to pass such a motion is asking almost an impossibility. The Minister says most of the regulations will be dealing with finance, and it will be doubtful whether the Seanad should have the constitutional right to interfere at all. If the regulations are laid upon the table of the Dáil I would be satisfied, but I think that the Minister will find, if he looks back

through a number of Bills we have passed, that the term "Either House" appears in more than one recent Bill. I will not say it is usual or unusual, but certainly it appears.

**Mr. BLYTHE:** I think it has not occurred very often. This was the form I had in mind when I was giving the undertaking. I also think that there might be Regulations which would be desirable, especially Finance Regulations, that would be of more general importance, and that it would be desirable to allow the Seanad to raise the matter. I do think that if the Dáil annuls a Regulation or passes a resolution calling for the annulling of a Regulation, the Minister for Finance responsible to the Dáil would be in a position whereby he would proceed to make new Regulations.

**Mr. DARRELL FIGGIS:** In that case the change that Deputy Johnson is seeking might be agreed to. It is the course that the Minister for Finance says would be adopted. Then why not adopt it now?

**Mr. BLYTHE:** I have already stated the reason.

Amendment put and agreed to.

**Mr. BLYTHE:** I move that the Bill, as amended, be received for final consideration.

Motion put and agreed to.

Motion made and question: "That the Bill do now pass," put and agreed to.

## THE DAIL IN COMMITTEE.

### FISHERIES BILL, 1923.—THIRD STAGE.

Section 1 put and agreed to.

#### SECTION 2.

(1) Every person who shall wilfully take or fish for, or aid or assist in taking or fishing for, any salmon or trout from or in any river, lake, or estuary, or from or in any part of the sea during the annual close season for salmon or trout respectively in

that river, lake, estuary, or that part of the sea, shall be guilty of an offence under this Act, and shall on summary conviction thereof be punishable by a fine of not less than two pounds nor more than twenty-five pounds, together with a further fine of two pounds for every salmon or trout so taken or caught by him, and shall also forfeit every such salmon or trout and the net, engine, or instrument by which the same was so taken or caught.

(2) Every person who shall buy, sell or expose for sale, or have in his custody or possession any salmon or trout, or any part of any salmon or trout, taken from or caught in any river, lake or estuary, or any part of the sea during the annual close season for salmon or trout respectively in that river, lake, or estuary, or that part of the sea, shall be guilty of an offence under this Act and shall on summary conviction thereof be punishable by a fine of not less than two pounds nor more than twenty-five pounds, together with a further fine of two pounds for every such salmon or trout or part of a salmon or trout so bought, sold, or exposed for sale by him or so in his custody and possession, and shall also forfeit every such salmon or trout, or part of a salmon or trout.

(3) In any proceedings under the next foregoing Sub-section, proof that a person bought, sold or exposed for sale or had in his custody or possession any salmon or trout or any part of any salmon or trout during the annual close season for salmon or trout respectively, in any river, lake, or estuary in Saorstát Éireann, or in any part of the sea adjacent to the coast of Saorstát Éireann shall be *prima facie* evidence that such salmon or trout was taken or caught during the annual close season for salmon or trout (as the case may require) in the river, lake, estuary, or part of the sea from or in which the same may have been taken or caught.

**Mr. JOHNSON:** I have a series of amendments to propose to this Section, as well as to other Sections. My amend-

ments to this Section are:—

In Sub-section (1), line 36, to delete the words “ less than two pounds nor.”

In Sub-section (2), line 48, to delete the words “ less than two pounds nor.”

Indeed, there is a long string of amendments in my name, and as it is now five minutes to eight, I do not propose to trouble the Dáil with divisions on every one of these amendments. The same principle is involved in every one of them. It is that we should not insert in this Bill a clause which would provide for a minimum penalty on the offender. The matter was discussed on the Second Reading Stage, and it was pointed out that under the provisions of the Bill the magistrate was obliged to sentence offenders to certain minimum penalties. The offence of taking a salmon or trout from any river is to be punishable on summary conviction by a fine of not less than £2 and not more than £25, together with a fine of £2 for every salmon so taken. So that no matter what the conditions under which this offence had been committed, no matter what circumstances might mitigate the guiltiness of the offender, the magistrate would be obliged to fine not less than £2 or £4, if two fish were taken in addition to the forfeiture of the net or instruments. The objection that I have is to the principle of imposing a minimum penalty and putting it upon the magistrate the duty of seeing that he will be obliged to punish by a minimum penalty, no matter what the circumstances may be. This obligation simply tells the magistrates that they do not know their business and that they are liable to be influenced by local considerations, or friendliness to the culprits. You are practically telling the magistrates, who were raised to the level of Judges and hold very important offices of State, that they cannot be trusted to impose a penalty or to take into account the circumstances. In certain other clauses it deals with periods of imprisonment, but the same principle is involved in every case, and I submit it is not a good policy to tell a magistrate or Judge, for that is what

you are doing, that no matter what the circumstances might be, he must impose a fine or a certain period of imprisonment on the culprit.

It is contended that he may submit a case for consideration to the Minister for Justice or he may plead *8 o'clock*. with the Governor-General for leniency, and request him to exercise certain prerogatives, but I think that is a very undesirable course to adopt. I move the amendment, and I will accept the decision of the Dáil on it as applying to the other amendments in my name which seek to remove this minimum penalty from the Bill.

**Major COOPER:** There is reason in all things, and there is a certain reason why the minimum penalty is mentioned in the Bill and why it has appeared in all previous Bills. The reason is that the profits that can be made from the poaching of salmon can be so very large that it is necessary to have a serious deterrent. One night's work and one lucky sweep of a net in a crowded pool may bring in from £200 to £300. That can be done by two or three men, and that is the reason why there is a strong case for the minimum penalty.

**Mr. JOHNSON:** The maximum is £25.

**Major COOPER:** I am aware of that, but let me point out that the minimum penalty here acts as a deterrent. There are individuals who have peculiar views on poaching. A relative of mine took some shooting in Scotland from a noble man who was Lord Lieutenant of Ireland at the time. He was rather surprised to find that the landlord paid the fines that were imposed upon persons who were caught poaching. He asked him why he did so, and the reply was, "I think the birds are as much theirs as they are ours." Then my relative said, "What am I paying you rent for?" Suppose you get a man of that peculiar mentality as a District Justice, it is desirable to have a minimum fine. It would not be desirable to introduce a minimum penalty where there had not been one already, but in cases where there are things of great

value at stake, a minimum penalty is necessary. I wonder if Deputy Johnson recollects George Bernard Shaw's play, "The Showing Up of Blanco Posnet?" In that it was argued that the stealing of a horse in Western America sometimes meant life or death. Similarly, there is a minimum penalty of death where a verdict of murder is brought in. Taking all those things into account, I do not think that the minimum penalty of £2 is too high. I agree that it is ridiculous to have a very high penalty like £100 for the manufacture of poteen. There have been cases where that fine has been commuted to £5, or maybe £2. In this case I think £2 is not an unreasonable minimum.

**Mr. HEFFERNAN:** I would like to support Deputy Johnson in his amendment. On the Second Stage of the Bill I supported him in regard to the minimum penalty. I think the principle is a bad one, and it should not be maintained in our laws. I think we are all familiar with the custom regarding poaching in the past. We are aware that it was one of the crimes very heavily punished. There were many other crimes which were much more objectionable than the crime of poaching. The curious thing about poaching is that by a great number of people it was regarded as an honourable thing—a thing to be proud of rather than to be condemned by the public.

I am of opinion that the minimum penalty would place the District Justice in an awkward position. If young people, hardly aware of the crime they are committing and are merely following the example of their elders, are brought before a District Justice, he might find himself in the position of finding these young people guilty, and imposing the minimum penalty either in fines or imprisonment. He would be liable, if he were a humane man, to let the offender off, whereas if there was no minimum penalty he might impose a nominal fine. The only other alternative would be to impose a penalty and forward a memorial to the Ministry of Home Affairs, which was a very common thing in the past in poaching cases. I think it would be more important that there should be an

[Mr. Heffernan.]

adequate police force capable of catching practically all the offenders. If poachers were aware that they were practically certain of getting caught, that would be a great deterrent, and in such cases the imposition of a fine, lower than the minimum here set out, would be just as effective as a large fine.

Whenever the law insists on the severe penalty it is an indication that the Government feels itself in the position that it cannot catch offenders. Deputy Cooper referred to cases in America. We know that at one time people were hanged for stealing horses in America. That ought not to be necessary, and I feel sure that if there were a feeling that poachers would be caught we would not find it necessary to maintain so high a minimum penalty.

**Mr. McGOLDRICK:** I feel that for a number of years, at least as long as I can recall, the magistrates and justices dealing with this class of offence were most particular in penalising these delinquents and that they had no alternative. Under the British law, if there was anything in particular that stress was laid upon, it was upon infringements in the poaching or gaming laws and it was painful to see people who committed trifling offences ordered to pay heavy penalties. If I were certain that the permanent officials have nothing to do with the ordination of penalties in this Bill and that it be left to the discretion of the District Justices I would be more or less satisfied with this Bill, but I can only vote for it with that reservation. I would ask the Minister although he may carry this proposal in the Bill, to see that it is carefully guarded and not allowed to be used against people who have committed a trifling offence but who may be subject to heavy penalties.

**Mr. JOHNSON:** I would like to say that Deputy McGoldrick is bound to support the amendment because the Minister cannot interfere. We have just passed a Bill saying that the Judges are independent and cannot be interfered with by Ministers. If we pass this Bill without this amendment,

the District Justices will be bound to impose in these cases a fine of £2 per fish, and the Minister for Fisheries cannot interfere. Whether it is in response to promptings of the permanent officials or not, the Bill as it stands should not be passed. It should only be passed if these words are deleted. I could understand Deputy Cooper's reference to Blanco Posnet. I can understand in his mind a salmon being as sacred as a horse to a Western cowboy, and the theft of the salmon being as culpable as the theft of a horse in Western America. Perhaps Deputy Cooper would not oppose the Bill if it said that capital punishment should be applied in the case of a poaching of salmon. I think that Deputy Cooper is not what you might call a free agent in this particular case. He is bound by tradition and the plea he puts forward as to the danger of poachers taking two or three hundred pounds worth of salmon would be equally well met by the maximum penalty plus £2 per fish. If there is a Judge trying a case of a poacher who has taken two or three hundred pounds worth of salmon in a night, such as Deputy Cooper suggests is possible, I think that the Minister for Home Affairs who will have appointed District Justices will have missed his man, if he thinks he is satisfied with a fine of £2. Deputy Cooper's case hardly fits the argument he submits. Deputy McGoldrick must inevitably, from his speech, vote for this amendment.

**Major BRYAN COOPER:** As a matter of personal explanation may I say that I never caught a salmon in my life, but I lost at least £1,000 worth of salmon by poaching within the last few years.

**Mr. WOLFE:** I wish to say a few words about the minimum fine. Deputy McGoldrick must have lived in a district where the magistrates were extremely severe, when he talks of high game penalties. I have not heard of them in Ireland, although I have heard of them in England. As far as I know, the penalties were a farce, and might as well not have been brought before the Court at all. For that reason, if they are to bring any revenue to the Government, which I suppose they hope to get, there must be punishments

meted out to people who do not carry out the fishing laws, and I think the only way to do that is to have a penalty devised so that there shall be some recognition of the fact that the laws of the country are being disregarded.

**Mr. D'ALTON:** I wish to support the special clause brought forward in this Bill. We have heard a good deal regarding the question of the fishing industry, that it should be protected, and I am rather surprised at Deputy Johnson referring to it in the cavalier style which he has adopted. If we wish to retain fishing for the benefit of all engaged in it we should support the Minister in any point which is calculated to punish those who poach in the close season. The fish are being poached at a time when they are being protected, and I say that any fine that would be inflicted on those people who help to destroy salmon is a just one and they deserve it. Let it be a deterrent, and then our fishing will be preserved.

**Mr. O'CONNELL:** It would appear as though some Deputies are conflicting the principle at issue in this amendment of Deputy Johnson. They are rather inclined, from their remarks, to think back to the days of the old magistrates. It must be remembered that we are dealing with a different body to-day. We are dealing with people who have the status of a Judge, who are trained lawyers, and for whose provision a Bill was passed in this Dáil, men of known worth, who are not subject to anything in the nature of those things which influenced the decisions of the old magistrates. If they are men worthy of the positions they occupy

they ought to have sufficient discretion to judge aright on a matter of this kind which comes before them.

I personally do not object to a maximum being put, even if it be higher than the figure mentioned in the Bill. Here we cannot know all the circumstances of such cases as may come up. We know that from time to time cases will come up in which there will be certain circumstances which would be mitigating, and in which the Justice would feel that the infliction of the minimum fine which he is forced to impose would not be in strict accordance with justice. He has, however, no discretion. If these Justices are men of the type we hope they are, they should know when it is necessary to inflict a heavy fine. The principle of taking that discretion from them is bad, and I will therefore support the amendment.

**Mr. WOULFE:** Am I in order in asking whether in certain cases magistrates could refuse informations?

**Mr. FINIAN LYNCH:** I am afraid if there is a division on this amendment it will not be possible to finish this debate in the time left at our disposal, and I therefore move to report progress.

Agreed.

### THE DAIL RESUMES.

Progress reported.

**Mr. DESMOND FITZGERALD:** I move the adjournment of the Dáil.

The Dáil adjourned at 8.20 p.m. until 3 o'clock on Wednesday, 5th December, 1923.

## DÁIL ÉIREANN

DÉ CEADAÓIN, 5adh Mí NA  
NODLAG, 1923.

(Wednesday, 5th December, 1923.)

Do chuaidh an Ceann Comhairle i  
gceannas ar a trí a clog.

## CEISTEANNA—QUESTIONS.

## ORAL ANSWERS.

INCOME TAX ON FOREIGN  
SECURITIES.

## POSITION OF IRISH CHARITIES.

**Captain W. A. REDMOND** asked the Minister for Finance whether British Dominion and Colonial securities held by Irish Charities are at present exempt from the Income Tax, if any, of the respective Dominion or Colony of registration; and, if so, whether this exemption will lapse after 31st March, 1924?

**MINISTER for FINANCE (Mr. E. Blythe):** I have no information as to the laws in operation in the Overseas Dominions with regard to the exemption of charitable bodies from Income Tax, and an answer to the Deputy's question would involve an exhaustive study of the Income Tax codes of such Dominions.

**Captain REDMOND:** Will the Minister make enquiries into the matter?

**Mr. BLYTHE:** I will make enquiries, but I cannot pretend to get an authoritative answer.

**Captain REDMOND:** Are there not charities in this country that have investments in Colonial Securities?

**Mr. BLYTHE:** I presume so.

**Major BRYAN COOPER:** Would it not be quite simple to obtain this infor-

mation from our High Commissioner in London?

**Mr. BLYTHE:** It would.

**Captain REDMOND** asked the Minister for Finance whether British 5 per Cent. War Loan held by Irish Charities will be assessed for Income Tax in the Irish Free State after March 31st, 1924?

**Mr. BLYTHE:** A Saorstát charity is entitled to exemption from Saorstát Income Tax in respect of income derived from British 5 per Cent. War Loan Stock subject to the conditions and limitations governing the exemption of charitable bodies as provided by the Income Tax Acts.

**Mr. DARRELL FIGGIS:** I understand the question to be, will that exemption still prevail after the close of the present financial year?

**Mr. BLYTHE:** That was not asked in the question. Of course it will prevail.

## DOUBLE INCOME TAX CLAIMS.

**Captain REDMOND** asked the Minister for Finance whether by means of a Clearing House established in Dublin between the Inland Revenue Commissioners of Great Britain and Saorstát Éireann, or otherwise, it could be brought about that one claim only should be made on the citizens of Saorstát Éireann in respect of dividends paid by companies registered in Great Britain and other British securities; whether by this means the Irish Income Tax-payer should only have to pay one sum; viz., the higher of the two rates of Income Tax then prevailing in the respective countries, and any adjustment necessary between the two Governments would be fixed through their respective representatives in the Clearing House; and whether he would consider the advisability of consulting the British Government with a view to the establishment of such a Clearing House?

**Mr. BLYTHE:** I dealt with this matter fully in my answer to a question by Deputy Good on the 31st October, 1923, and I am unable to add anything

## PRE-TRUCE LOSSES OCCASIONED BY I.R.A.

**MICHAEL O HAONGHUSA** asked the Minister for Finance whether he is in a position to make an announcement regarding the setting up of a branch similar to the War Compensation Court, to deal with pre-Truce losses occasioned by I.R.A. forces during their operations against British forces prior to the Truce.

**Mr. BLYTHE:** The setting up of such a tribunal as is suggested is not contemplated. The Compensation (Ireland) Commission, a body set up by agreement between the British and Irish Governments, investigates alike cases of alleged damage by both sides in the late conflict.

## GRADING OF BUTTER AND EGGS.

**MICHAEL O HIFERNAIN** asked the Minister for Agriculture if in compliance with the statement in the Governor-General's speech, it is the intention of the Government to introduce at an early date legislation which will have for its object the compulsory grading and branding of Irish export butter, and the grading and regulation of the Irish export egg trade, and, if so, what is the approximate date of the introduction of such legislation.

**MINISTER for AGRICULTURE (Mr. P. Hogan):** The preparation of legislative proposals based on the Ad Interim Reports of the Commission on Agriculture, dealing with butter and eggs is at present engaging the careful attention of the Department of Agriculture, and considerable progress has been made in the matter.

It is, however, not yet practicable to indicate the date by which a Bill or Bills embodying the Government's proposals will be ready for submission to the Oireachtas. Both of these Bills raise very important questions of policy.

## CONTROL OF LOCAL ADMINISTRATION.

**MICHAEL O HIFERNAIN** asked the Minister for Local Government

whether in view of the further postponement of the Local Government elections, steps will be taken to ensure that local boards will be controlled in such a manner that they will not have power to carry out any business involving unnecessary or wasteful expenditure, pending the holding of the next Local Government elections.

**MINISTER for LOCAL GOVERNMENT (Mr. Burke):** Pending the holding of the Local Government elections the Deputy may be assured that all possible steps will be taken to secure efficient and economical administration.

## ALLEGED DELAY IN PAYMENT.

**AILFRID O BROIN** asked the Minister for Industry and Commerce if he is aware of the large number of complaints being made by unemployed men and women with reference to delay in paying the unemployment money, if he is aware that persons are signing for six and seven weeks before they receive their allowance; if he will take steps to speed up the consideration of all such cases.

**Mr. HOGAN (replying for Minister for Industry and Commerce):** The Minister is not aware of any cases in which six or seven weeks delay has occurred in the payment of benefit to those entitled to it, and cannot investigate such statements without particulars of the cases the Deputy has in mind. It is the fact that some delay in authorising claims occurred at the beginning of a new benefit year on October 17th, last, because the provisions of the Unemployment Insurance Act, 1923, necessitated the balancing at that date of the account of each insured contributor. This work was, however, completed some time ago.

**Mr. BYRNE:** Might I ask the Minister whether he would not consider the advisability of merely ringing up the Exchange and asking whether the statement contained in the question is true. Nine unemployed men called on me on the morning I put down the question, and they told me that they had been signing for seven weeks.

**Mr. HOGAN:** It is stated in the

[Mr. Hogan.] answer that the Ministry of Industry and Commerce has not heard of any cases in which for six or seven weeks unemployed men had been signing up. If there are nine specific cases, and if you can give those nine names, they will be investigated immediately by the Ministry. It was pointed out that there was some delay about the 17th October, owing to having to balance the books of each contributor.

**Mr. MORRISSEY:** Arising out of that answer, will the Minister be surprised to know that people have been signing for 12 or 14 weeks in parts of the country?

**Mr. HOGAN:** Furnish the names and they will be investigated.

**Mr. CORISH:** Is there any reason why those cases should be sent to Dublin for adjudication? The delay seems to be altogether in Dublin?

**Mr. HOGAN:** It is stated in the answer that as far as the Minister knows there has been no delay of six or seven weeks. Some delay occurred about the 17th October, as a result of having to balance the books of contributors. If the Deputies have any cases which they wish the Minister to investigate, they can give the names. I do not think he could go further than that, except to hold an inquiry.

### LETTER DELIVERIES.

**MICHAEL O hIFEARNAIN** asked the Postmaster - General whether, having regard to the fact that there is only a tri-weekly delivery of letters in the rural districts, with the consequence that many people in those districts call for their letters at the Post Offices on Sundays, steps will not be taken to discontinue the charge which is at present made for handing those letters to callers.

**POSTMASTER - GENERAL (Mr. J. J. Walsh):** The Deputy appears to be under a misapprehension. The delivery of letters in rural districts is not restricted generally to three days a week, there being a large number of posts working on six days a week. All Post Offices other than those at which

telegraph business is transacted, are closed on Sundays, and there is no delivery of letters to callers at any offices on that day. Whether it is advisable to revert to postal labour on Sundays which, apart from other objections, would entail additional expenditure, is another matter.

**Mr. HEFFERNAN:** Arising out of that answer, I do not think the Minister has answered the question I have asked him; that is, will he take steps to discontinue the charge which is at present made for handing those letters to callers on Sunday—will that charge be taken off in view of the fact that so many deliveries have been discontinued?

**Mr. WALSH:** That matter will be considered.

**MICHAEL O hIFEARNAIN** asked the Postmaster-General whether any steps have been taken to secure the delivery of letters from the Mullinahone Post Office to the Cappanagrane and Poulacapple districts, as at present there is no delivery to those districts.

**Mr. WALSH:** I beg to refer the Deputy to my reply of the 2nd November to Deputy D'Alton on the subject. There has been no change meanwhile.

**Mr. HEFFERNAN:** Arising out of that, might I ask the Minister, in view of the answer he gave Deputy D'Alton and the promise contained therein, that immediate steps will be taken to see that that delivery is re-started, as the people of those districts suffer great inconvenience owing to the lack of better facilities?

**Mr. WALSH:** So far we have been unable to materialise, but we are losing no opportunity of getting those deliveries going.

**MICHAEL O hIFEARNAIN** asked the Postmaster-General whether, in view of the present inadequate delivery to rural districts, he will make provision for the sorting of mails received on Saturday nights so that callers may receive letters contained in these mails on Sunday mornings?

**Mr. WALSH:** The matter is receiving consideration.



**DISABLED KILDARE SOLDIER.**

**AODH O CULACHAIN** asked the Minister for Defence whether he is aware that Private Michael Cleary, Army No. 11695, 33rd Infantry Battalion, Naas Barracks, attested 3rd July, 1922, was discharged from the Army as medically unfit on 10th July, 1923, suffering from a broken leg, sustained on the night of September 2nd, 1922, by his falling off a ladder, in coming down from sentry duty in an elevated post; whether he is aware that the leg was not properly set; that Cleary was perfectly sober at the time, and that the ladder was defective; whether the Ministry will expedite payment of a wound pension, as this man is disabled and in very poor circumstances?

**MINISTER for DEFENCE (General Mulcahy):** Private Cleary sustained a fractured ankle on the 2nd September, 1922, through falling from a ladder, and was discharged from the Army medically unfit on the 5th July, 1923. I am advised that the ladder was defective, and that Cleary was sober at the time of the accident, but I am not aware that Cleary's leg was not properly set after his admission to hospital.

Consideration of the question of compensation under the Army Pensions Act, 1923, will be expedited as much as possible.

**COMMANDEERED FIREARMS.**

**MICHEAL O hIFEARNAIN** asked the Minister for Defence whether the firearms which were seized by the Volunteer forces during the pre-Treaty struggle will be handed back to those from whom they were taken, or from whom they were received, and if this is not possible if the owners of such firearms will be compensated for their loss?

**General MULCAHY:** In many cases it will not be possible to trace arms taken by Volunteers prior to the Truce, and in other cases to ascertain definitely the owners of any arms held in military custody at present. Where it is possible to do so, however, these arms will be returned to the persons from whom they were taken.

Vol. 5.

The general question as to whether claims for compensation in respect of loss of arms can be entertained has yet to get consideration.

**Mr. HEFFERNAN:** Arising out of that answer, will the Minister state what steps will be necessary in order to prove that those arms were given up or were taken from them?

**General MULCAHY:** The circumstances in which persons lost arms, prior to the Truce, varied in so many cases that I am afraid no general statement could be made. For the present, I am afraid nothing but an ordinary statement of claim supported by any receipt that might have been obtained at the time is all that anybody wishing to make a claim can make. It may be possible that after the receipt of a certain number of claims like those that the form of application may be systematised, but I have my doubts.

**Mr. HEFFERNAN:** The Minister is probably aware that receipts were scarcely ever given for those arms. Perhaps he would accept some other form of proof.

**ARMY ACCOUNTS.**

**TOMAS O CONAILL** asked the Minister for Defence whether payment has yet been made to P. Casey, carpenter, of Woodford, Co. Galway, for work done on April 18th, 21st and 25th, 1923, repairing Woodford Military Barracks, and if not, will he see that payment of this small sum (£1 10s. 0d.) is expedited.

**General MULCAHY:** Mr. Casey's account was not received at Headquarters until the 12th ultimo. It is now under investigation locally, and if in order will be settled without undue delay.

**INTERNEE'S BICYCLE.**

**AODH O CULACHAIN** asked the Minister for Defence whether he is aware that Joseph Ennis, Cloncurry, Enfield, Co. Kildare, whose bicycle was retained by the Military when he was arrested on 20th July, 1922, and who was released on the 11th October, 1923,

xl.

[Aodh O Cúlacháin.]

from Gormanstown, has not yet received it; further, if the bicycle be not returned, whether compensation will be granted to Ennis, who values his bicycle at £12 10s. 0d.

**General MULCAHY:** It appears that the bicycle retained by the military authorities on the occasion of the arrest of Joseph Ennis, Cloncurry, Enfield, Co. Kildare, on 20th July, 1923, was not his property, and that he was unable at the time to give a satisfactory explanation as to how it came into his possession. In the circumstances a claim in the matter from Ennis cannot be entertained.

### ARMY ACCOUNTS.

**TOMAS O CONAILL** asked the Minister for Defence if he will state why the amount due by the Military to Thomas Curley, Tullycross, Letterfrack, which has been fully certified, and for which application has been repeatedly made, has not yet been paid, and whether steps will be taken to expedite settlement of this account.

**General MULCAHY:** No account from Mr. Curley can be traced at Headquarters. Inquiries are being made locally, and a settlement of the claim will be expedited.

### LISDEEN INTERNEES.

**Mr. CONNOR HOGAN** asked the Minister for Defence whether the detention of Messrs. David Walsh, Moyasta, and Michael Hennessy, Lisdeen, will continue.

**General MULCAHY:** David Walsh was released on the 21st ultimo. It is intended to continue the detention of Michael Hennessy.

### THE CARRYING OF ARMS.

**TOMAS O CONAILL** asked the Minister for Defence whether he will state what soldiers (if any) have permission to carry arms when off duty; what steps are taken to see that soldiers who have not such permission do not take arms out of barracks except when going on duty; whether there is

any regulation whereby a soldier when returning off duty must deliver up any arms he may have carried when on duty and give a strict account of all ammunition served out to him when going on such duty; further, whether in view of the many regrettable occurrences due to the carrying of arms by soldiers off duty, the Minister will impress on all concerned the necessity for a strict observance of the regulations governing the carrying of arms.

**General MULCAHY:** No soldier has permission to carry arms when off duty except in very special cases, when the Provost Marshal issues the necessary authority. Military policemen on duty at all exit gates from barracks have instructions to search any soldier suspected of being in unauthorised possession of arms; soldiers returning off duty are not required to give up their arms, but they must give a strict account of all ammunition issued to them when going on duty. Instructions are issued from time to time impressing on all ranks the necessity for a strict observance of the regulations governing the carrying of arms.

### UNEMPLOYMENT ALLOWANCE FOR EX-SOLDIERS.

**AILFRID O BROIN** asked the Minister for Defence if he is aware of the hardships inflicted on discharged soldiers owing to their cards not being stamped during their period of service in the National Army; if he is aware that many hundreds are now walking the streets seeking employment, and not in receipt of unemployment allowance; if he will seek for an alteration in the regulations that will enable these men to receive the unemployment money for the same period as that granted to ordinary civilians.

**General MULCAHY:** I am aware that a number of men discharged from the Army are not eligible for unemployment benefit because they have no contributions to their credit. Such cases are limited to men who, before joining the Army, were not normally employed in an insurable occupation, and they are, consequently, in no worse position because of their Army service. Where a man normally employed in an

insurable occupation joined the Army, the contributions necessary to keep him in insurance are paid, although Army service is not an insurable occupation. This position could not be altered without legislation.

**Mr. BYRNE:** I ask the Minister whether something cannot be done to relieve the distress amongst discharged army men who are seeking employment?

**AN CEANN COMHAIRLE:** That is a separate matter altogether.

### SHOOTING OF CIVIC GUARD.

**SEAMUS MacCOSGAIR** asked the Minister for Defence if his attention has been called to the murder, on the night of 15th August, 1923, of Michael Lyons, a member of the Civic Guard, stationed at Belturbet, Co. Cavan; if the deceased was for two years a member of the Royal Irish Constabulary, from which force he resigned in accordance with the wishes of the people; and whether any steps have been taken to compensate Thomas Lyons, of Ramore, Killimore, Co. Galway, the father of deceased, for the loss he has sustained through the murder of his son, who had contributed to his maintenance.

**General MULCAHY:** I am aware of the circumstances under which Guard Lyons met his death as the result of a shot fired by a military sentry, and am advised that he had resigned from the R.I.C. for political reasons. The soldier who fired the fatal shot is in civil custody awaiting trial. I regret that the claim for compensation cannot be entertained, as there is no legal liability attaching to the military in a case of this nature.

### PRIVATE NOTICE QUESTION.

#### HAULBOWLINE DOCKYARD— DISCHARGE OF EMPLOYEES.

**MICHAEL O HAONGHUSA** asked the President whether he is aware that 50 employees were discharged from the Haulbowline Dockyard on the 1st instant; whether he will state the reason for these discharges; whether a number—8 or more—of patrol boats were

recently sent to this yard for overhaul and refit, and still remain tied up there; whether it is the intention of the Government to have such necessary work on these boats carried out in this yard, if so, when such work is likely to start; whether an effort will be made by the Government to continue employment in this yard, at least over the next three months, and help in relieving the present condition of distress amongst a large number of families residing in this district, and unable for a considerable period past to find employment.

**The PRESIDENT:** I am aware that about 50 men have been discharged, as stated, their services having ceased to be required. Of the patrol boats at Haulbowline, it was decided to reconstruct three. The work on these has been suspended, as I understand, by direction of the Minister for Defence. The Government are anxious to provide employment so far as possible at the Dockyard, but cannot undertake to do so by incurring expenditure which in itself serves no useful purpose.

**Mr. JOHNSON:** Are we to understand the suspension of the work is merely for a short period?

**The PRESIDENT:** I am very much afraid it is a permanent suspension, owing to the necessary economics that have to be made in the Ministry of Defence Vote, and also owing to the fact that fortunately the necessity for which these boats were originally purchased has not materialised.

**Mr. HENNESSY:** Are we to understand that it was more economical to repair these boats elsewhere than at Haulbowline?

**The PRESIDENT:** No; it is not intended to have anything done to them. The work is not being done elsewhere.

### REPORTS LAID ON THE TABLE.

**Mr. DARRELL FIGGIS:** Before we proceed to the Orders of the Day, I would like to raise a question, which I raised last week, in regard to the circulation of certain reports. The President said that one of these reports—the report of the Canal Commission—was then being printed and would be

## DAIL IN COMMITTEE.

[Mr. Darrell Figgis.] available in a week. I notice it was down yesterday as having been placed upon the Table, and I would like to know will copies be available and circulated to Deputies?

**The PRESIDENT:** It will be circulated, certainly, before the end of the week. There may have been some delay in supplying the necessary number of copies, but a certain number of copies are available, and I take it that the reason they were not put upon the Table is that the full number was not available. But they will be circulated before the end of the week.

**Mr. DARRELL FIGGIS:** The reason I asked is that the Bill introduced by Deputy Johnson, that is the Transport and Communications Bill, is to be discussed this evening, and obviously the one has very close connection with the other, and were it at all possible it would be most desirable that Deputies should have copies of the Report before 7 o'clock, when this Bill will come on.

**AN CEANN COMHAIRLE:** On yesterday's Order Paper it was stated that this particular Report was laid upon the Table, which means that it was available in the Committee Rooms for Deputies. The question whether a promise was made to circulate the Report to Deputies is one of which I have no recollection, but it is available in the Committee Rooms at the present time.

## ORDERS OF THE DAY.

**AN CEANN COMHAIRLE:** Two matters were left over from yesterday, the Committee Stage of the Fisheries Bill, which was entered upon and not completed, and the Money Resolution of the Minister for Finance. I take it that we should go on with the Fisheries Bill at once.

**The PRESIDENT:** Yes.

**AN CEANN COMHAIRLE:** When shall we take the Money Resolution? Will it be before Number 3, Ministers and Secretaries Bill (Committee)?

**The PRESIDENT:** Yes, before item No. 3.

## FISHERIES BILL, 1923—THIRD STAGE (RESUMED).

Section 2 ("Penalties for taking, selling, etc., Salmon or Trout during annual Close Season").

Amendment 1, in Sub-section 1, line 36, to delete the words "less than two pounds nor" (Mr. Thomas Johnson).

**Mr. LYNCH:** In putting forward this amendment, Deputy Johnson said he bulked practically all his amendments in the one. The same principle is obviously involved in all the amendments the Deputy has brought forward to the different Sections in this Bill. The principal object in this Section is the imposition of a minimum penalty. The minimum penalty actually exists in the Fishery Laws on a comparatively wide scale already, and when I brought forward this Bill I did so with the intention of tightening up, and possibly increasing, the penalties under the existing code, so as to make illegal fishing not a paying proposition. Acceptance of Deputy Johnson's amendment would mean putting matters, from the fishery point of view, worse than they are at present, because it would mean abolishing the minimum penalties that exist. I am not prepared to accept this amendment, because I believe that the minimum penalty is a necessity in the fishery law, if the law is not to be a farce. It has been found necessary to have minimum penalties in the past for various fishery offences.

**Mr. JOHNSON:** Did they succeed?

**Mr. LYNCH:** If they did not succeed in putting down these offences, it was because the penalties were not enforced. In addition to fixing a minimum penalty by law, we hope, in the future, that there will be a more strict enforcement of the law. A minimum penalty is first heard of in a Fishery Act passed in the year 1848. It was passed to meet an offence such as is mentioned in Section 2 of this Bill, to which the amendment we are now dealing with, refers. The minimum penalty then imposed was 10s., and I think it is not unfair, in the present currency, to impose £2 as the minimum penalty

where 10s. was imposed in 1848. Deputy Bryan Cooper referred to the fact that one of the reasons for the minimum penalty is this: That poaching is comparatively profitable, that one scoop with a net paid the very nominal fine that was normally imposed. That is quite so. Deputy McGoldrick was concerned as to whether I brought in this Bill on my own initiative, or whether it was inspired through some persons with horns, some prominent officials wishing to inflict as much injury as possible on the poor unfortunate people. I brought in the Bill as the result of many requests from many parts of the country, and I was not foolish enough naturally to bring it in without consulting prominent officials in my own

Department. If that offends Deputy McGoldrick, I am afraid I will have to sacrifice his vote.

Under the existing Acts there are many minimum penalties fixed. Under a British Act passed in 1850, relating to Irish river fisheries, there are minimum penalties in about a dozen different cases. Under the bye-laws passed by the Inspectors of Fisheries in the Department of Agriculture there are fixed penalties which are tantamount to minimum penalties. This Bill, therefore, in that sense, is no departure from the existing law, and I cannot see my way to accept the amendment.

Amendment put.

The Dáil divided: Tá, 19; Níl, 57.

Tá.

Pádraig F. Baxter.  
Seán Buitléir.  
David Hall.  
Connor Hogan.  
Tomás Mac Eoin.  
Risteárd Mac Fheorais.  
Pádraig Mac Fhlannchadha.  
Risteárd Mac Liam.  
Tomás de Nóglá.  
Tomás O Conaill.

Aodh O Cúlacháin.  
Liam O Daimhín.  
Eamon O Dubhghaill.  
Seán O Duinnín.  
Mícheál R. O hÍfearnáin.  
Domhnall O Mocháin.  
Domhnall O Muirgheasa.  
Tadhg O Murchadha.  
Pádraig O hOgáin (An Clár)

Níl.

Earnán Altún.  
Earnán de Blaghd.  
Seoirse de Bhulbh.  
Próinsias Bulfin.  
Seamus de Búrca.  
John J. Cole.  
Bryan R. Cooper.  
Sir James Craig.  
Louis J. D'Alton.  
Máighréad Ní Choileáin Bean Uí  
Dhrisceóil.  
Patrick J. Egan.  
Osmond Grattan Esmonde.  
Seán de Faoite.  
Henry J. Finlay.  
Desmond Fitzgerald.  
John Good.  
John Hennigan.  
Seosamh Mac a' Bhrighde.  
Alasdair Mac Cába.  
Domhnall Mac Cárthaigh.  
Liam T. Mac Cosgair.  
Seamus Mac Cosgair.  
Maolmhuire Mac Eochadha.  
Pádraig Mac Fadáin.  
Pádraig Mac Giollagáin.  
Seán P. Mac Giobúin.  
Seoirse Mac Niocaill.  
Martin M. Nally.

John T. Nolan.  
Peadar O hAodha.  
Mícheál O hAonghusa.  
Ailfrid O Broin.  
Cristóir O Broin.  
Próinsias O Cathail.  
Aodh O Cinnéide.  
Conchubhair O Conghaile.  
Eoghan O Dochartaigh.  
Seamus N. O Dóláin.  
Peadar S. O Dubhghaill.  
Pádraig O Dubhthaigh.  
Eamon S. O Dúgáin.  
Donchadh S. O Guaire.  
Seamus O Leadáin.  
Fionán O Loingsigh.  
Thomas O Mahony.  
Pádraic O Máille.  
Seamus O Murchadha.  
Pádraig O hOgáin (Gaillimh).  
Patrick K. Hogan (Luimneach).  
Ailfrid O Raithile.  
Seán M. O Súilleabháin.  
Andrew O'Shaughnessy.  
Caoimhghín O hUgáin.  
Seán O Príomhdhail.  
William A. Redmond.  
Patrick W. Shaw.  
Liam Thrift.

Amendment declared lost.

Amendment 2 not moved.

Question: "That Section 2 stand part of the Bill," put and agreed to.

Further amendments not moved.

Remaining Sections put and agreed to.

### **DAIL RESUMES.**

Bill reported without amendment; Report Stage ordered for Friday.

### **DAIL IN COMMITTEE.**

#### **LOCAL GOVERNMENT ELECTORS REGISTRATION BILL, 1923— (THIRD STAGE.)**

Bill passed through Committee without amendment.

### **DAIL RESUMES.**

Bill reported without amendment.

Standing Orders suspended, Bill passed through remaining Stages, and ordered to be sent to the Seanad.

### **DAIL IN COMMITTEE.**

#### **LOCAL ELECTIONS POSTPONE- MENT (AMENDMENT) BILL, 1923— (THIRD STAGE.)**

Bill passed through Committee without amendment.

### **DAIL RESUMES.**

Bill reported without amendment.

Standing Orders suspended, Bill passed through remaining Stages and ordered to be sent to the Seanad.

### **COMMITTEE ON FINANCE.**

#### **MINISTERS AND SECRETARIES BILL, 1923.**

**MINISTER for FINANCE (Mr. Blythe):** The necessary Message having been received from the Governor-General, I beg to move the motion which is on the paper as follows:—

Chun críche aon Achte a rithfar sa tSiosón so chun na hAíirí agus na Rann Stáit do bhunú do réir an Bhunreachtá agus chun comhacht do thabhairt chun Rúnaithe Páirliminte do cheapa. go bhfuil sé oiriúnach a údarú go n-íocfar amach as airgead a sholáthróidh an tOireachtas tuar-

astal Uachtarán na hArd-Chomhairle, tuarastail Aíirí, an Phríomh-Atúrnáe agus Rúnaithe Páirliminte, tuarastail no luach saothair oifigigh agus seirbhísigh gach Roinne Stáit, costaisí gach Roinne Stáit, agus aon chostaisí eile fé n-a raghfhar chun an tAcht san do chur in éifeacht.

That for the purpose of any Act of the present Session for constituting the Ministers and Departments of State pursuant to the Constitution and for enabling the appointment of Parliamentary Secretaries, it is expedient to authorise the payment out of moneys to be provided by the Oireachtas of the salaries of the President of the Executive Council, of Ministers, of the Attorney-General and Parliamentary Secretaries, the salaries or remunerations of officers and servants of each Department of State, the expenses of each Department of State, and any other expenses incurred in carrying such Act into effect.

**MINISTER for EXTERNAL AFFAIRS (Mr. D. Fitzgerald):** I second the motion.

Motion put and agreed to.

### **DAIL RESUMES.**

Resolution reported.

**Mr. BLYTHE:** I move: "That the Dáil do agree with the Committee in this resolution."

Agreed.

### **THE DAIL IN COMMITTEE.**

#### **MINISTERS AND SECRETARIES BILL, 1923—(THIRD STAGE.)**

### **SECTION I.**

There shall be established in Saorstát Eireann the several Departments of State specified and named in the eleven following sub-paragraphs, amongst which the administration and business of the public services in Saorstát Eireann shall be distributed as in the said sub-paragraphs is particularly mentioned, and each of which said Departments and the powers, duties and func-

tions thereof shall be assigned to and administered by the Minister hereinafter named as head thereof, that is to say:

(i) The Department of the President of the Executive Council which shall comprise the business, powers, authorities, duties and functions by the Constitution or by any existing or future Act of the Oireachtas or otherwise conferred on or to be discharged or performed by the Minister, who shall hold the office of and be styled *Uachtarán na hArd-Chomhairle* or (in English) the President of the Executive Council, and also the custody of and responsibility for all public archives and records and of papers and documents of State and of grants, deeds, and other instruments of title relating to the property corporeal and incorporeal, real and personal for the time being vested in Saorstát Éireann and of records of the Executive Council and also the custody of the Seal of the Executive Council, and also the responsibility for and control of the official publications of the Executive Council and also the administrative control of and responsibility for such public services and the business, powers, duties and functions thereof as may not for the time being be comprised in any of the Departments of State constituted by this Act.

(ii) The Department of Finance which shall comprise the administration and business generally of the public finance of Saorstát Éireann and all powers, duties and functions connected with the same, including in particular the collection and expenditure of the revenues of Saorstát Éireann from whatever source arising (save as may be otherwise provided by law), and also the business, powers, duties and functions of the branches and officers of the public service specified in the first part of the Schedule to this Act, and of which Department the head shall be, and shall be styled, an *t-Aire Airgid* or (in English) the Minister for Finance.

(iii) The Department of Justice which shall comprise the administration and business generally of pub-

lic services in connection with law, justice, public order and police, and all powers, duties and functions connected with the same (except such powers, duties and functions as are by law reserved to the Executive Council, and such powers, duties and functions as are by the Constitution or by law excepted from the authority of the Executive Council or of an Executive Minister), and shall include in particular the business, powers, duties and functions of the branches and officers of the public service specified in the Second Part of the Schedule to this Act, and of which Department the head shall be, and shall be styled, an *t-Aire um Dhlí agus Cheart* or (in English) the Minister for Justice.

(iv) The Department of Local Government and Public Health which shall comprise the administration and business generally of public services in connection with local government, public health, relief of the poor, care of the insane (including insane criminals), health insurance, elections to each House of the Oireachtas, elections to local bodies and authorities, registration of voters, maintenance of public roads and highways, registration of births, deaths and marriages, and vital statistics and all powers, duties and functions connected with the same, and shall include in particular the business, powers, duties and functions of the branches and officers of the public service specified in the Third Part of the Schedule to this Act, and of which Department the head shall be, and shall be styled an *t-Aire um Rialtas Aitiúil* or (in English) the Minister for Local Government and Public Health.

(v) The Department of Education which shall comprise the administration and business generally of public services in connection with Education, including primary, secondary and university education, vocational and technical training, endowed schools, reformatories, and industrial schools, and all powers, duties and functions connected with the same, and shall include in particular the business, powers, duties and functions of the branches and officers of

the public services specified in the Fourth Part of the Schedule to this Act, and of which Department the head shall be, and shall be styled, an t-Aire Oideachais or (in English) the Minister for Education.

(vi) The Department of Lands and Agriculture which shall comprise the administration and business generally of public services in connection with agriculture and lands, including the fixing of rents and tenure of lands, acquisition by occupying tenants of full ownership by means of public funds, enlargement and other economic improvement of holdings of land, purchase of land for distribution by way of re-sale, relief of rural congestion and like uneconomic conditions, forestry, veterinary services, survey and mapping of land, and all powers, duties and functions connected with the same, and shall include in particular the business, powers, duties and functions of the branches and officers of the public service specified in the Fifth Part of the Schedule to this Act, and of which Department the head shall be, and shall be styled, an t-Aire um Thalmhuíocht or (in English) the Minister for Lands and Agriculture.

(vii) The Department of Industry and Commerce which shall comprise the administration and business generally of public services in connection with trade, commerce, industry, and labour, industrial and commercial organisations and combinations, industrial and commercial statistics, transport, shipping, natural resources, and all powers, duties and functions connected with the same, and shall include in particular the business, powers, duties, and functions of the branches and officers of the public services specified in the Sixth Part of the Schedule to this Act, and of which Department the head shall be, and shall be styled, an t-Aire um Thíúséal agus Thráchtáil or (in English) the Minister for Industry and Commerce.

(viii) The Department of Fisheries which shall comprise the administration and business generally of public

services in connection with fisheries, including deep-sea fisheries, tidal waters fisheries, coastal fisheries, inland waters fisheries, and industries connected with or auxiliary to the same, and all powers, duties and functions connected with the same, and shall include in particular the business, powers, duties and functions of the branches and officers of the public services specified in the Seventh Part of the Schedule to this Act, and of which Department the head shall be, and shall be styled, an t-Aire um Iasgach or (in English) the Minister for Fisheries.

(ix) The Department of Posts and Telegraphs which shall comprise the administration and business generally of public services in connection with posts, telegraphs, and telephones, and all powers, duties and functions connected with the same, and shall include in particular the business, powers, duties and functions of the branches and officers of the public services specified in the Eighth Part of the Schedule to this Act, and of which Department the head shall be, and shall be styled, Aire an Phuist or (in English) the Minister for Posts and Telegraphs.

(x) The Department of Defence which shall comprise the administration and business of the raising, training, organisation, maintenance, equipment, management, discipline, regulation, and control according to law of the Military Defence Forces of Saorstát Éireann, and of all powers, duties, and functions connected with the same, and of which Department the head shall be, and shall be styled, an t-Aire um Chosaint or (in English) the Minister for Defence, and shall be assisted by a Council of Defence as hereinafter provided:

(xi) The Department of External Affairs which shall comprise the administration and business generally of public services in connection with communications and transactions between the Government of Saorstát Éireann and the Government of any other state or nation, diplomatic and consular representation of Saorstát Éireann in any



country or place, international amenities, the granting of passports and of visés to passports, and all powers, duties and functions connected with the same, and of which Department the head shall be, and shall be styled, an *t-Aire um Ghnóthaí Coigríche* or (in English) the Minister for External Affairs.

**Mr. HEFFERNAN:** I move:

In sub-paragraph (i), line 26, after the word "Council" to insert the words:—"and also the control of the Department of External Affairs which shall comprise the administration and business generally of public services in connection with communications and transactions between the Government of Saorstát Eireann and the Government of any other state or nation, diplomatic and consular representation of Saorstát Eireann in any country or place, international amenities, the granting of passports and of visés to passports, and all powers, duties, and functions connected with the same, and of which Department the head shall be the President of the Executive Council."

The feelings which animate me in putting forward this amendment are somewhat as follows: I feel *4 o'clock.* that in the interests of economy and efficiency it would be an advisable thing that the Ministry of External Affairs should be concentrated under the guidance of the President of the Executive Council. I believe that in the actual working of our affairs in communications with foreign nations the Minister for External Affairs in almost all cases would find himself called upon to confer with the President, and I think that with such a young State as the Saorstát it is hardly necessary that we should have a separate Ministry. A considerable amount of expense is attached to this Ministry, and by placing it under the guidance of the President I feel that we would save a large part of it. I do not mean for a moment to suggest that the President has not a sufficient amount of work to do at present, but I do think that it might be useful that he should take control of this Department,

and, if necessary, that he should employ a Parliamentary Secretary, or obtain the necessary help otherwise.

I also would like to say that I do not wish to make any insinuations that the present Minister for External Affairs has not conducted the business in the proper manner. I feel sure that the Dáil is willing to give him full credit for his capabilities and for the manner in which he has directed the business up to the present; but I think that it would be an important thing that we should concentrate on internal rather than external affairs, and that, except on matters arising out of our trade relations, it is rather inadvisable that we should devote so much attention and place too much emphasis on our connection with outside countries as to establish and maintain a separate Ministry for that purpose. Taking all these considerations into account, I think that the Ministry should give serious consideration to this proposal. I would say, in connection with this, that in order to have this amendment complete it would have been necessary to put in an amendment deleting Paragraph 11. I have not done so, but I feel sure that if the Government see fit to adopt my amendment, they will introduce another at a later stage which would have this effect.

**Mr. DARRELL FIGGIS:** I desire to associate myself with this amendment, because, I think, for the reasons that I explained on Second Reading, that the Dáil would naturally look to the President for responsibility under all circumstances, and that is the only matter that is concerned in the creation of a separate Ministry responsible for all matters in connection with external affairs. The facts bear out the contention that I have made. There has never been an occasion in which any explanation has been given to the Dáil, either in the days when it sat as a Constituent Assembly or since then, when it sat as the first House of the Free State Oireachtas, in which a statement has been made respecting the external policy of the Free State by anybody except the President. There have been times when the Minister for External Affairs has answered in respect of the expenditure and estimates of the De-

[Mr. Darrell Figgis.]

partment, but on main questions of policy it has been the case, and I contend it must in the future inevitably be the case, that all questions on external policy will be answered for here by the President of the Executive Council.

Therefore, I think it is only fitting, seeing that he is to assume the major responsibilities in the Dáil for the policy of the Department, that he should be the person who should take over the entire responsibility of the conduct of this Department, leaving the administrative details to be conducted by some Civil Servant, who will be responsible directly to him. In that way a separate Ministry, and the expense of a separate Ministry, will be saved, and that extra expense will be saved simply by achieving what must always be the case, and expectation of the Dáil, that is, that the President should deal directly himself with all external affairs. It was for this reason that it was so desirable that the President should be relieved of the work imposed on him until the last election in connection with the Finance Department. Now, these financial responsibilities do not directly bear on him. There is a Minister for Finance, and the President is relieved of all other matters, and should be able and should be expected to attend to external affairs, and the responsibility for these affairs in the Dáil. But to face facts quite frankly, everybody knows that the chief work of this Ministry has not been external affairs, but publicity, and it is desirable that a separate department of publicity should cease to exist. If there is any statement to be made, let that statement be made from each department, whichever department be concerned in the issuing of that statement, without there being some official Ministerial publicity department. We know that several of the Ministries have had from time to time occasion, very rightly and properly, to make statements to the Press.

**AN CEANN COMHAIRLE:** There is no question of publicity. I think, in the amendment.

**Mr. DARRELL FIGGIS:** That will arise with regard to the deletion of

the Section, presumably.

**AN CEANN COMHAIRLE:** There is no question of publicity in Paragraph XI either.

**Mr. DARRELL FIGGIS:** Very well, I bow to your ruling, Sir, and I will not touch on that matter, but if I may leave it with a sentence with your permission, it is this, reference was made to it on the Second Reading, and what was said on the matter in the Second Reading, by whatever Deputy made the statement, I entirely endorse. I confine myself, therefore, to the immediate question, which is this, that inasmuch as the President will naturally be held responsible both by the Dáil and the country at large for the guidance of the policies of this State in regard to its affairs with all other countries, that the President should be always, as a cardinal principle, both President and the Minister for External Affairs, without the separate creation of a Ministry, and so save extra expense by getting a more consistent and logical division of responsibilities and offices.

**Mr. JOHNSON:** I wish to say a word in favour of the amendment. I believe it is desirable that the President should answer to the Dáil for external affairs, and I note that it does, in fact, retain a Department of External Affairs. There is no intention, I presume, in the amendment to disband the Department of External Affairs. The object is to ensure that that Department shall be controlled by the President. I think it is quite desirable, and almost a certainty, that whoever may be nominally in control of the Department of External Affairs in practice, for any important matters the President will, as a matter of fact, answer to the Dáil and be in ultimate control. I do not want for a moment to question your ruling respecting publicity, but it did occur to me that when international amenities are under the Department that the publicity activities of this Department might well come under that general term. They have, as a matter of fact, been quite interesting to nations beyond the seas, the activities of this Department, and do conform to the term "international amenities." That by the way. I think it is desirable that

the President should at all times be answerable for matters as between the Saorstát and Great Britain, but the external affairs will be, I think, mainly in connection with Great Britain, and the practice that has already grown up by force of circumstances will necessarily be the practice in the future, and, therefore, I support the amendment.

**MINISTER FOR EXTERNAL AFFAIRS (Mr. Desmond Fitzgerald):** I think the general purpose of this Bill is to define a certain number of Ministers and Departments, without saying who shall be in charge of them. Actually, as the Bill stands, there is nothing to prevent those Departments being under the President. A good deal of talk has gone on about the Ministry of External Affairs being a luxury, and so on. You have to have it, and you cannot get away from it. I daresay there are people who wish to go back to the status or lack of status implied by the Home Rule Bill of 1914. This is now a Sovereign Nation, and it has to do with other countries. We cannot separate ourselves from other countries, and if we were utterly cut off from other countries, Deputy Gorey and the party he represents would be the first people to suffer. This country has the power to initiate, to negotiate, to sign and decide upon the ratification of Treaties with other countries, and almost within the first week after we received our new status, questions arose which had to be decided. There is no reason why this Department should not be under the President. The reason it was not, was due to the circumstances of the time. One of the speakers has just said that the most important business is Internal Affairs, and he did not want External Affairs stressed too much. It was the very reason that Internal Affairs were the overwhelming pre-occupation of the country, and the Ministry, that made it necessary to have a Ministry of External Affairs. When the time comes for the President to take over this Ministry, I can assure the Dáil it will have no trouble in getting rid of me.

With regard to the big question of policy, there is such a thing as joint responsibility. On the big question of policy the whole Ministry has equal re-

sponsibility, but the peculiar thing about this Ministry is it probably needs the attention of its Minister in small details more than does any other Ministry. Also an entirely new situation was created. Questions of policy are involved in matters which seem very small. Within the first week there was a question of policy involved as to whether we should pay 30/- for the repatriation of one of our Nationals. The Department must be the first pre-occupation of the Minister in charge, and it requires more his personal attention in matters of detail than any other department.

With regard to expenditure, we talk about economy. What does anybody think the saving would be, if they did away with it as a Ministry, put it under a Secretary, and made it a sub-department of a Ministry? The obvious effect it would have outside would be that we would go out of our way to take from the status of this country, by implying that we had no foreign affairs, which means we had no international standing. On the other side, I do not know whether people realise that Ministers are paid less than the major Civil Servants. They are paid less, because the major Civil Servants' salaries amount to the same as the Ministers', and they have, in addition, security of tenures and pensions. Does anybody think you could hand over this Department to a minor Civil Servant? We are actually creating a precedent. Is it suggested it would be a good thing that this Department should be under a minor Civil Servant? In effect the policy would be dictated by a minor Civil Servant. So far as I am concerned, I realised long before the economy scare started that there was need for economy in this country. The first thing I did was to do away with things that seemed to me more ornamental than effectual.

**Mr. DARRELL FIGGIS:** Was publicity one of them?

**Mr. FITZGERALD:** Publicity has been cut down to a minimum.

**AN CEANN COMHAIRLE:** Publicity in this connection is not in the amendment.

**Mr. FITZGERALD:** I was answering the question of Deputy Figgis.

**AN CEANN COMHAIRLE:** The question should not have been asked. If the Minister is prepared to deal with publicity as a branch of international amenities, as Deputy Johnson outlined, I would not see any objection to that.

**Mr. FITZGERALD:** There has been a lot of talk in the earlier stages of the cost of the Ministry of External Affairs as compared with that of other countries. We are a mother country with the major part of our people abroad. We have four million Irish people at home, and 25 millions abroad. Canada is, therefore, as far as nationals are concerned, much smaller than we are. My Ministry costs 1/40th of what is cost by the Canadian Foreign Department. My whole Ministry costs rather less than the Australian External Affairs Department in London costs. New Zealand, which is infinitely smaller than Ireland, maintains an office in London which costs more than

half of what our whole Ministry costs. The South African Government have an office in London which costs considerably more than the whole of the External Affairs here. Our Department has two offices in America, offices in Holland, Belgium, France, and so on. The Estimates have been referred to as being over £60,000. Those do not include the cost of membership of the League of Nations. I realise the need for economy so well that I think that the Estimate we made this year, after including membership to the League, will pay our way in the League for this year, and possibly leave a certain balance over. Deputy Figgis said in the earlier stages of the Bill that the Department of External Affairs was doing very little work now. I do not know what steps Deputy Figgis took to find out what work it was doing. Deputy Gorey said that we were not concerned with foreign affairs, but he entirely failed to understand the position of this country. Deputy Gorey also said that this would be known as the Ministry for finding a job for somebody. I can assure him that it is not a Ministry for finding a job for me, and, as I have already said, as soon as the President takes it over, I will leave it with very good grace. Deputy Cooper pointed out that Monsieur Poincaré was the Minister

for Foreign Affairs in France. That is because the preponderating matter in France is foreign affairs, and if that were the preponderating matter in Ireland, I have no doubt the President would give attention to it now as he gave in the last year to other matters. Deputy Redmond spoke considerably about the Publicity Department. That is a matter to which I would like to refer, but I am not permitted to do so. Mr. Milroy complained of the fact that our trade agents abroad are under the Department of External Affairs.

**Mr. JOHNSON:** Is it in order for a Minister to refer to a Deputy as Mr. So-and-so?

**Mr. DARRELL FIGGIS:** It is not often the Minister speaks here.

**Mr. FITZGERALD:** I apologise. In other countries foreign representatives are under the Department of Foreign Affairs, and for this reason, the moment we come to deal with other countries, although it seems to be a straightforward trade matter, there are always political and international questions arising. The obvious thing is clear to everybody and a trade department can be expected to look after that, but you need a co-ordinating department to look after the political or national point of view, to suggest recommendations and maintain co-ordination. So far as our department is concerned with foreign trade, we, of course, consult with, and submit to, the trade department any matters that affect trade only, but the suggestion that we are making a cumbersome machine for dealing with trade with other countries is quite untrue and quite unnecessary. We follow in that just the lines that are followed in other countries, and those are not arbitrarily followed. They exist in the very nature of the circumstances. On many occasions when dealing with things outside of Ireland, there is not only one department but many involved. The External Affairs Department has to serve as a co-ordinating factor in these things and has to consider the point of view of the various Departments that may be contradictory and present the national or political view. As I said before, there is nothing in this Bill which prevents

this Department being under the President, and the reason it has not been under him so far is owing to the exigencies of the present situation.

**Major BRYAN COOPER:** I would like to ask your ruling, sir, with regard to publicity being under the External Affairs Department. Under this Bill it is not put in charge of publicity, and it is, therefore, open for me to argue that it is no longer a wholtime job for a Minister, but should be under the President. Is that a legitimate line of argument?

**AN CEANN COMHAIRLE:** I would rather hear any line of argument before saying whether it was legitimate or not, but on the question of order about this particular amendment, paragraph 11 of Section 1 details the scope of the Department of External Affairs, and says: "Of which Department the head shall be, and shall be styled, an t-Aire um Ghnóthaí Coigríche, or (in English) the Minister for External Affairs." Under Sections 10 and 11 of the Bill it will be possible for the President to be also the Minister for External Affairs, or it would be possible for any other Minister to be Minister for External Affairs as well. As I understand the amendment, its object is to make it statutory that the President, and only the President, shall be the Minister for External Affairs. That, I think, is the object of the amendment.

**Mr. HEFFERNAN:** That is the intention.

**AN CEANN COMHAIRLE:** The question is really not a question of the behaviour of the present Department, not a question of the personality of the present Minister or any other Minister, real or imaginary, but a question whether the Department should be by statute under the President. The Executive Council, if the amendment is passed, would be prevented from having any individual other than the President as Minister for External Affairs. That seems to be the exact position. The actions of the Department come up on the Estimates.

**Major BRYAN COOPER:** Would it

be open for me to reply to some of the statements of the Minister?

**AN CEANN COMHAIRLE:** Yes.

**Major BRYAN COOPER:** There are one or two points to which, I think, attention may be called in the Minister's speech. It seems to be a most fortunate Department, because one moment he was magnifying it and at another minimising it. It is like Mahommed's corpse; it is not important enough to reach the ministerial heaven, and it is too important to come under a subordinate Civil Servant. He compared it with the cost of the offices in London, of New Zealand, Australia, and South Africa, but he did not mention that these offices have great immigration schemes to deal with in trying to attract emigrants to take up the great waste spaces. That is not our problem, as really we want to keep our people in the country. The comparison in part is a fallacious one. The Minister talked of our lowering ourselves, in reply to Deputy Gorey, if we do not have a separate Ministry. In Canada Mr. Mackenzie became Prime Minister and also Minister for External Affairs.

**Mr. FITZGERALD:** If I may be allowed to explain, I did state it would be lowered if there was not a Minister in charge of it who made it his first pre-occupation. I did not say it would be lowered if it were under the President.

**Major COOPER:** It is not his first pre-occupation. Surely the Minister knows that Canada is vitally concerned with her status, most emphatically now as she is an independent Treaty-making power. Surely no Prime Minister or party leader is first pre-occupied with external affairs. I think that even now the time has come when the real head of the State should be the person really responsible for external affairs. He must be in the nature of things, and I think the time has come when he should assume all responsibility in the face of the world, and take the office on his own shoulders. I support the amendment.

**Mr. GOREY:** For the first time the Minister has been good enough to speak

[Mr. Gorey.] on this matter. We have not heard him very often in the Dáil. When he stood up I think he ought to have told us how much this Ministry is costing. I am sorry I was not here to listen to what the Minister had got to say. I want to know how much the Staff of the Ministry is actually costing, from the Minister down. He said a Department of the Ministry was needed in London to deal with our trade. Why have we a Ministry of Industry and Commerce if it is not able to deal with the trade of this country? We have a Ministry of Agriculture which deals with our trade in agricultural products. The Minister for External Affairs objects to the statement that his Ministry will be known in the country as a Ministry for finding jobs. I may tell you that outside the Dáil, and amongst the plain men in the street, it will be known as a Ministry of very little utility and a Ministry purely for finding jobs for somebody—not for the present Minister, perhaps. I do not think that the President of the Executive Council, if he is given this portfolio, will be overworked. He ought to be able to deal with this Ministry of External Affairs, if there is such a thing to be attended to; some of us very much doubt it. The President can deal with the political end of it, if there is a political end to it. The commercial end of it can be dealt with by the Ministry of Industry and Commerce, with the assistance of the Ministry of Agriculture. I do not see the necessity for this Ministry at all, either its staff or its head, and therefore I support the amendment.

**AN CEANN COMHAIRLE:** The question of the existence of this Ministry has not arisen. The cost of the Department of External Affairs does not arise. It is a question of whether the Department of External Affairs, as defined in the amendment which takes the definition from para. 11 of Section 1 of the Bill, should be under a separate Minister or be compulsorily under the President and nobody else.

**Mr. JOHNSON:** I support the amendment on the grounds that it is desirable in my view that the very important

work of this Department should be in the hands of the head of the Executive Council because of its importance. For entirely different reasons from those of Deputy Gorey, I support the amendment. I believe the existence of this Department will, and must necessarily, increase if we are to get the position in world affairs that we are entitled to. I think it must necessarily increase and will require a Department as laid down in the Bill. I think it is so important that it should be a Department of which the President of the Executive Council for the time being must be the head.

Most of the arguments of the Minister for External Affairs supported the contention that to the outside world the fact that the President of the Executive Council is also Minister for External Affairs will add to its prestige and importance. It is because I desire there shall be statutory obligation on the President shall have charge of that Department, that I support the amendment.

#### **MINISTER FOR HOME AFFAIRS**

**(Mr. O'Higgins):** My chief object in rising is to stress and emphasise what already has been pointed out, that it is not a question of the existence or non-existence of a Department, but simply a question of the political head-ship of that Department. I might remind Deputies that it is really quite a short time since they, on the nomination of the President, approved each political head of all the Departments that there is joint responsibility for in the Executive Council. They ought not to have approved these without consideration, and when the President nominated his Council, naming a man for each post and for the political head-ship of each Department, presumably Deputies gave the matter the consideration they ought to have given it.

**Mr. JOHNSON:** They did as a matter of confidence.

**Mr. O'HIGGINS:** Deputies will remember also that while the Dáil was sitting here demanding the very full attention of the President and other Ministers, there was sitting in London a Conference, not without importance for this country, for its people and for its future—the Imperial Conference.

Throughout six months the Minister for External Affairs was in attendance at that Conference representing this country and reporting to the President. The President, not being a bird, cannot be in two places at the same time.

**Mr. GOREY:** Boyle Roche.

**Captain REDMOND:** An aeroplane.

**Mr. O'HIGGINS:** The Minister for External Affairs was present in London watching and safeguarding the interests of this country and reporting to the President of the Executive Council. He could not have attended there with the same weight and in the same representative capacity other than as a Minister for External Affairs. If Deputies consider that the President himself *qua* Minister for External Affairs, should have been present in London throughout that Conference, then they have got to measure the corresponding loss on this side due to the absence of the head of the Executive Council.

It is not all quite so simple as it seems to Deputies Heffernan and Gorey, and above all it is not a question of economy to be effected by scrapping a particular Department, because that Department cannot be scrapped. It is simply a question of the political headship of that Department and I think I have pointed out one practical inconvenience that would follow if the political headship had been vested in the President.

**Major COOPER:** The Prime Ministers of Canada, Australia, South Africa and New Zealand did attend the Imperial Conference and they are not birds. They arranged for business to be carried on in their Parliaments by their colleagues, sometimes at a good deal of inconvenience. I have no doubt that the Minister for Home Affairs does not mistrust the Vice-President's capacity for carrying on the business of the Dáil. I think those things can be all arranged very easily as in the other Dominions. I think it would be an advantage to Ireland to have had our President on an equal footing instead of having—I speak with all respect to the excellent work

the Minister for External Affairs did—a subordinate Minister doing so.

**Mr. O'HIGGINS:** While the Imperial Conference was sitting Canada and Australia were not running a little Civil War.

**Mr. DARRELL FIGGIS:** I would like to touch upon one or two points made by the Minister for External Affairs, and in doing so I must congratulate him on what I consider to have been almost his maiden speech in this Chamber. Not quite his maiden speech, but almost, and that very fact itself illustrates the contention that has been made throughout on this amendment and as the whole cause of this amendment, not that there should not be a Department for External Affairs, but that the responsibility for that Department must invariably be answered for in this Dáil by the President. That has always been the case in the past and will be the case in the future.

**Mr. PETER HUGHES:** Making speeches.

**Mr. DARRELL FIGGIS:** The Minister stated that the Ministry was not a luxury. We are not dealing with whether the Ministry is a luxury or whether the Minister for External Affairs is himself a luxury. What we are dealing with is that in the circumstances the Dáil and the country will look to the President for responsibility for this Department. That being the case, even minor economies are sometimes desirable, and the economy effected by saving the Minister's salary is an economy that will be quite desirable for this country. The Minister has stated in reply to that, that a Secretary would have to be appointed. I imagine that there is a Secretary there already. There has been a Secretary. A Secretary's salary has been voted. The Minister for External Affairs referred to the joint responsibility of the Executive Council. There we are all at one. There is joint responsibility. Whoever in a Conference abroad, whether in Geneva, or in London or elsewhere, answers for that joint responsibility, all that is sought to be effected by this amendment is that for that joint responsibility one person, and one person

[Mr. Darrell Figgis.] only, will be answerable in this Dáil. And that person will be the person who must answer, who will be expected to answer, who always in the past has answered for External Affairs.

We had occasion a month ago when a question was put by Deputy Milroy respecting the affairs of this State and its relation with another State, to appreciate this. A question was put down on the motion for the adjournment. By whom was the answer given? By the President. Go back over the proceedings for the past year, and every time a vital question has been asked in this Dáil, who has intervened in the debate to deal with the question? The President. The Dáil would not be satisfied if any other person than the President had answered. Therefore, the procedure that has been adopted, by the practice of the Executive Council itself, is a procedure for which statutory effect has been sought in this amendment. That is all. The Minister says that the President may take the responsibility for it at an early date. That still does not answer the contention of the amendment. The Minister for External Affairs says that he would go with a good grace. We would bear his going with philosophy and fortitude. But that still does not answer the purpose of the amendment, and that is, that the responsibility for External Affairs in the Free State is a responsibility that the people and the Legislature will look to the President himself to acquit. Therefore, it is a responsibility that should be attached in any legislation in the Dáil to the Presidency of the Executive Council.

**Mr. HEWAT:** As I propose to vote against this amendment, if it comes to a division, I would like to say that the arguments that have been used in favour of the amendment seem to cut under the importance of the office of the Minister for External Affairs. In the present state of the country there is not one of the Ministries that is more important, in so far as the work done under this Department is largely initiatory work. At the present time, at all events, I would be very sorry to see the Department left in charge of any subordinate. I quite sympathise with

the arguments that have been used that the President should be Minister for External Affairs. I think it is fallacious to say that he should be directly the Minister for External Affairs, because I rather visualise the President as being the head of all Departments. As President of the Executive Council, in matters of importance I think it is very right and proper that we should have his views, certainly on matters of External Affairs. I do not think that that in itself justified the abolition of the Ministry of External Affairs. In my judgment, and with the development that we hope and expect in the country, the work of the Minister for External Affairs will be largely increased. We all hope it will be largely increased, and we hope that we still will have the assistance of the President of the Executive Council in addition to the Minister for External Affairs.

**Professor O'SULLIVAN:** May I point out what is an inconvenience, if this amendment is adopted. It is a very definite inconvenience. I thoroughly agree with Deputy Johnson that this Department for External Affairs will become more important in the future, and that it will continue to grow to be more and more important. It does not require much stretch of the imagination to see that a state of affairs may arise in which the President may have another portfolio besides his Presidency. Will you then burden him with the Ministry of External Affairs as well? In that case you tie the hands of the Executive Council too much. It may work very badly to the interest of the other Departments quite as important as the Ministry of External Affairs. As to the arguments used by Deputy Figgis, and as to the President's replies here, we may point out that the President on all important questions, whether at home or abroad, is expected to be heard by the Dáil and the country. Therefore, that is no argument. There was no suggestion that all those other Ministries should be merged in the Presidency, though he may have spoken for them at times. No real sound argument has been adduced to force the President to adopt this particular amendment.



**The PRESIDENT:** I should like to say that it appears to me that this amendment has been canvassed on every side rather than on the side which, I think, was originally intended, when it was put down. The last two Deputies, when addressing themselves to this question, appeared to me to have had a very clear conception of what was meant. In the first place, the point made by Deputy O'Sullivan is a point of very considerable importance. While to-day we may cite the case of Canada, Australia or England, or one of the other countries mentioned, and say that the Prime Minister, in any one of them, is the head of the Executive Council and has also got a portfolio of Foreign or of External Affairs, as the case may be, we must remember that there were examples also of remarkable statesmen in other countries having other portfolios which must have appealed to them in their judgment—and I presume their judgment was as good in their day as the judgments of the statesmen of Canada or of Australia in our time—of paramount importance to their own country at that particular time.

In this case should you have in the future a Prime Minister, let us say, of the profound depths of knowledge of Deputy Figgis, just imagine for a moment Deputy Figgis burdening himself with such an unimportant matter as the portfolio of External Affairs when such great questions as Finance, Industry and Commerce and Agriculture were to be taken up. I would expect him to take at least four or five of these Ministries, and even if he were to do that I think we would be limiting the capacity and the capabilities of a man of that type if we were to say that he shall only take the portfolio for External Affairs and that he was to be bound to it and could not get out of it. I may say for my own part that, in considering this question of offering portfolios to Ministers, or in asking members to take up the responsibilities of office, I had in mind always the man's own desires or capabilities for these particular posts. I have no hesitation in saying, for my own part, that I have no particular ability whatever of any sort or kind for External Affairs. Personally, I would feel very

unhappy if I were offered, even supposing I were not in my present position, such a portfolio as that for External Affairs, and I would certainly have to refuse it.

It may be that there is some exception taken by Deputies to the fact that I have not got a Ministry at present. In answer to that I suppose I am entitled to say that I am not a free agent altogether. I would like very much to have one. I did give up the Ministry of Finance with some regret. Of all the Ministries, it was the one that I had, perhaps, the most aptitude for. There appears to me to be two questions put forward by certain Deputies in recommending this particular office for the President: either to get rid of the present Minister for External Affairs, or to saddle the office on a man who does not want it, or at least who feels that he has not any aptitude for it. I do not know whether that attitude can be general in the Dáil. I rather hesitate to think it would be. I do not under-rate the importance of this Ministry. I do think that in speaking of Foreign Affairs for some years past our minds have, perhaps, expanded a little more than the merits of the case warranted. When speaking of Foreign Affairs we hear now and again upon various platforms the question asked: "What does the world think of men being left on hunger-strike in Mountjoy?" or something of that kind. That, I suggest, is an unbalanced view to take on the question of Foreign Affairs.

If you were to ask me at this moment what I consider to be the most important duty in the State, I would say that the internal matters are of far more importance than the matter of External Affairs. But, if you want to pourtray before an audience something which would attract their imagination, or stir up their enthusiasm, and give them an inspiration, you will say: "What is the world thinking of us now?" My answer is that the world is just thinking whether we are managing to do well or ill the work that lies before us. There are other Departments of the State just at present which would need the attention of the President very much more than the Department for External Affairs, and more particularly in the present circumstances when the

[The President.]

person who is occupying the position of President has no aptitude whatever for External Affairs.

During the last two or three months, when I should have been in another place, the Minister for External Affairs was in a position to represent this country. I understand he did it well, and it is not from himself that I have that information. The Minister for Education was also there, and he was very well pleased with the work that was done by the Minister for External Affairs. None of the other States, during that period, had their Parliament sitting, and I suppose I would have been told, perhaps not here but elsewhere, if I were absent from this Dáil during that time, that I was paying more attention to foreigners than I was to the people at home, so that I suggest we may take an unbalanced view of these matters.

With regard to the question of the saving of the Minister's salary, the saving of the Minister's salary may be a loss in other ways. I would not feel satisfied in the present instance, as I have said, in taking up this office, nor would I recommend the Dáil to adopt this amendment, because the time may come when other people occupying my position may feel that they themselves would be able to render much better service in that office of the State than in the office of External Affairs, and that if they were to be burdened with this particular Ministry in addition they would not be able to give the close attention to important matters of State, which these matters would warrant.

**Mr. HEFFERNAN:** My intention in bringing forward this amendment was not to do away with the department of External Affairs, but to retain it under the headship of the President of the Executive Council. Having heard the statement made by the President, in regard to his lack of ability and aptitude, or rather his alleged lack of ability and aptitude, for carrying on the business of External Affairs, I am rather inclined to think that I made a mistake. I feel perfectly confident, however, that he has all the necessary qualifications for the position, and I am

sure that he is entirely too modest in regard to his estimate of his own ability. With regard to the point in reference to the matter of economy, I am quite aware of the comparatively small saving that would be made by this change if it were brought about. It would only mean a saving of £1,700 a year, or perhaps less, because if it happened that the Minister for External Affairs is removed and the Ministry put under the headship of the President of the Executive Council we would, no doubt, save the £1,700 a year attaching to that office, but very likely a Parliamentary Secretary would have to be appointed, with a salary attached approximating to the amount saved. But economy goes further than that, and one of the main things about economy is the example we give to the country. We would be then setting an example of economy from here, even if only on items of the very smallest importance. We, who are in close touch with the people of the country, find criticisms of that kind, when we go down into the country, brought to our notice. We hear that there are eleven Ministers, with very high salaries, and we are asked, "Why don't you cut these down?" I felt that, in moving this amendment, I was aiming at eliminating the Ministry of the least importance in the affairs of this country. I do not say that the Minister himself is of the least importance. What I say is that this Ministry of External Affairs is the one of least importance, and I am still of opinion, that from that point of view, it would be very desirable that my amendment should be accepted.

I am aware, at the same time, of the importance of this Ministry and of this Department to the farming industry of this country. I am sure it is very necessary that we should be in close touch with the different agricultural countries throughout Europe, but I feel there is considerable danger that in our new nationhood we may be liable to over-estimate our importance in the world, and that, like the frog in the fable, we are apt to blow ourselves out and regard our own opinion as of such importance in the affairs of the world that we may be in danger of bursting just with the sense of our own import-

ance as the frog did. For that reason I think it might be advisable that the Ministry of External Affairs should be placed under the headship of the President of the Executive Council. I do not know any person who would be in a better position to judge the importance of the different matters which might come up with regard to the position of Ireland, and concerning its connection with foreign countries.

Another point I wish to mention is this, I would like to support Deputy Bryan Cooper with regard to the comparison made between the cost of the Irish High Commissioner in London, and that of Canada, New Zealand, and other Dominions.

**Mr. DESMOND FITZGERALD:** As a matter of explanation, may I say I did not institute a comparison between the cost of the Irish High Commissioner in London and other High Commissioners. I said that one branch of the Department of External Affairs of

these various countries would cost more than the whole of our Ministry.

**AN CEANN COMHAIRLE:** The Deputy was alluding to a statement by Deputy Bryan Cooper.

**Major BRYAN COOPER:** As a matter of fact, I understood the Minister to express himself when he spoke as he has expressed himself just now.

**Mr. HEFFERNAN:** I misunderstood. I will not go further with that now. Taking all this matter into account, I still think that my amendment is a good one and that it is advisable that we should in this Dáil 5 o'clock, abolish the Ministry of External Affairs, and place that Department under the headship of the President of the Executive Council.

**AN LEAS-CEANN COMHAIRLE** at this stage took the Chair.

Amendment put.

The Dáil divided: Tá, 27; Níl, 49.

Tá.

Pádraig F. Baxter.  
Seán Buitléir.  
John J. Cole.  
John Conlan.  
Seán de Faolte.  
Darrell Figgis.  
John Good.  
David Hall.  
Connor Hogan.  
Seamus Mac Cosgair.  
Tomás Mac Eoin.  
Risteárd Mac Fheorais.  
Pádraig Mac Fhlannchadha.  
Risteárd Mac Liam.

Tomás de Nógla.  
Tomás O Conaill.  
Aodh O Cúlacháin.  
Liam O Daimhín.  
Eamon O Dubhghaill.  
Seán O Duinnín.  
Donchadh S. O Guaire.  
Micheál R. O hÍfearnáin.  
Domhnall O Mocháin.  
Domhnall O Muirgheasa.  
Tadhg O Murchadha.  
Pádraig O hÓgáin (An Clái).  
Nicholas Wall.

Níl.

Earnán Altún.  
Earnán de Blaghd.  
Seamus Breathnach.  
Seoirse de Bhulbh.  
Próinsias Bulfin.  
Seamus de Búrca.  
Louis J. D'Alton.  
Maighréad Ní Choileáin Bean Uí  
Dhrisceoil.  
P. J. Egan.  
Henry J. Finlay.  
Desmond Fitzgerald.  
John Hennigan.  
William Hughes.  
Seosamh Mac a' Bhrighde.  
Alasdair Mac Caba.  
Domhnall Mac Cárthaigh.  
Liam T. Mac Cosgair.  
Maolmhíre Mac Eochadha.  
Pádraig Mac Fadáin.  
Pádraig Mac Giollagáin.  
Seán P. Mac Giobúin.  
Seoirse Mac Niocaill.  
Liam Mac Sioghaird.  
Liam Mag Aonghusa.

Pádraig S. Mag Ualghaíng.  
Martin M. Nally.  
Peadar O hAodha.  
Micheál O hAonghusa.  
Ailfrid O Broin.  
Cristóir O Broin.  
Próinsias O Cathail.  
Aodh O Cinnéide.  
Conchubhair O Conghaile.  
Eoghan O Dochartaigh.  
Peadar S. O Dubhghaill.  
Pádraig O Dubhthaigh.  
Eamon S. O Dúgáin.  
Seamus O Leadáin.  
Fionán O Loingsigh.  
Thomas O'Mahony.  
Risteárd O Maolchatha.  
Patrick K. Hogan (Luimneach).  
Ailfrid O Raithile.  
Seán M. O Súilleabháin.  
Andrew O'Shaughnessy.  
Caoimhghín O hUigín.  
Seán Priomhdhail.  
Patrick W. Shaw.  
Liam Thrift.

Amendment declared lost.

**Mr. MORRISSEY:** On a point of order, there is a Deputy in the House who has not cast his vote.

**AN LEAS-CHEANN COMHAIRLE:** The Deputy is not sitting on the benches. A vote could not be taken from a person sitting outside the benches. One Deputy has recently come in.

**Mr. MORRISSEY:** There was a Deputy in the House when the vote was being taken who did not vote. I thought that any Deputy in the House was supposed to cast his vote.

**AN LEAS-CHEANN COMHAIRLE:** Neither of the two Deputies is technically in the House. They are both in the passage outside.

**Doctor KEOGH:** On a point of order, is the Standing Order carried out by Deputies leaving the House before the

roll call is announced, or has it become obsolete? I notice several members who were here have gone out.

**AN LEAS-CHEANN COMHAIRLE:** Deputies are supposed to remain in their places until the result of the division is announced.

Amendment No. 2 not moved.

**Mr. P. HOGAN** (Clare): I beg to move:—

In sub-paragraph (iii), line 44, after the word "police" to insert the words "elections to each House of the Oircachtas, elections to local bodies and authorities, registration of voters."

There is nothing very drastic in the amendment I am proposing. It is merely an endeavour to transfer from the Ministry of Local Government what anybody would consider is not appropriate to that Ministry to what

would appear to be its proper place—the Ministry of Justice. I do not propose to break up the present machinery that is there for the collection of such data as is necessary for the preparation of registers and the conduct of election work in general. I only propose to transfer the lever of Government from the hands of the Minister for Local Government to the hands of the Minister for Justice. If any Minister is in a position to see that justice is carried out during elections and in the preparation of the registers and such work, the Minister for Justice is that person. When a Ministry of Health was established in England on a more scientific basis, and different departments were set up under that Ministry, this matter of the preparation of registers and election procedure in general was transferred to the Home Office, which is equivalent to the Ministry of Justice in this Government. I suppose it may be argued that justice, either theoretical or applied, has very little to do with elections. That is a matter I will leave to the opinion of the different Deputies. But if any Minister is competent and in a position to see that justice is practised in electioneering work, and in the preparation of registers, I think the Minister for Justice is that person.

**THE PRESIDENT:** This is one of those services which it is possible to transfer, even after the Bill is passed. That matter has been considered. I do not think it would be right to say it has been under consideration. But the Minister for Home Affairs has considered it himself, and I am not clear as to whether the Minister for Local Government has considered it or not. But it is under consideration, and if this amendment were to be pressed and passed we would be committed to this particular alteration without being convinced that it is satisfactory. I incline to the view that it will be found necessary to make this alteration, but I think that the Deputy ought to leave it at that and I can assure him that it will get consideration.

**MR. JOHNSON:** It is delightful to hear the President express himself in the way he has done, but one would

imagine that the Bill was presented to the Dáil simply for ratification without consideration. Surely, even though this matter is under consideration, or has been considered by Ministers, or some of them, that will not, or should not, deprive the Dáil of expressing its opinion as to the merits of this amendment. I think that the fact that the President has expressed himself in the way he has done rather encourages us to express the view more strongly that this particular function of government should be taken out of the hands of the Local Government Department and placed under the Ministry which is in charge of public order.

The Ministry for Local Government and Public Health, as it now will be, will tend more and more to deal with matters of public health. The function of preparing registers and looking after elections seems to be quite foreign to the work of Local Government and Public Health but is peculiarly fitting to that Department which is responsible for public order. A proposition was made. I think it will be remembered, at an earlier stage of the proceedings of the Dáil, that a functionary should be appointed specially for the purpose of looking after elections and all pertaining to elections. That did not meet with the approval of the Dáil. The Ministry for Justice, which is in charge of public order, seems very much more appropriate for the work of preparing registers and taking charge of the elections to the Houses of the Oireachtas and local bodies. I hope Deputies will express their views on this matter rather for the guidance of the Government than otherwise. If the matter is still open, perhaps even before the Bill passes finally, the Ministry will be able to make up its mind as to whether this particular Department should be transferred to the Ministry of Justice.

**MINISTER for HOME AFFAIRS (Mr. K. O'Higgins):** I take it that the main reason why this question of elections is at present conducted by the Local Government Department is that the register is prepared by the local bodies through the agency of the rate collectors and so on. That is a fairly sub-

[Mr. K. O'Higgins.]

stantial reason why the control should lie where it is at present. There has been a good deal of complaint and discontent about the manner in which the registers have been prepared and there is a feeling that they ought to be prepared by the police—the Civic Guard in the country and the Metropolitan Police in the city. If that change were to come about it would remove, in my opinion, the case for responsibility by the Local Government Minister for the franchise and for election work generally. If we were asked at the moment whether the Civic Guard could take responsibility for that work and could be relied upon to carry it out thoroughly, we would hesitate to accept the responsibility. At the moment you have not a full or a normal establishment in the country as there are about 150 more stations to be established. The question could only be considered when you would have a complete establishment, and when you would have less of a strain on the police forces than at present exists. In discussing the matter with the Minister for Local Government that seems to be the situation, that if responsibility for the preparation of the register were to pass to the police, and consequently to the Ministry for Home Affairs, or Ministry for Justice, as it will be when this Bill is passed, then the full control of elections should also pass.

**Mr. DARRELL FIGGIS:** I hope the change will be made and that the Ministry who it is said are thinking over the matter will bring about the change very soon. It is not directly to that, however, that I wish to address a question at this stage. It is to a statement made by the President which perhaps strictly arises at a later stage, as it undoubtedly will, but which should also be considered here because it is proper to the consideration of the sub-sections to this Section that we are now considering. The President stated it would be possible, if such a change were judged to be desirable, to transfer that function from the Local Government Department to the Ministry of Home Affairs or the Ministry of Justice as it then will be. I presume

he is referring to sub-section 2 of Section 11 dealing with the power of the Executive Council to distribute public services amongst Ministers. That raises a question in regard to this Section, particularly in regard to all its sub-sections. Here is a definite allocation of service for a Department. If this Bill be passed, when it becomes an Act it will be the law of the land that these various functions shall be allocated to different Departments. Is it the intention that there may be within the purview of this Act, although these sections have set out definite boundaries to certain Departments, that these boundaries may afterwards be varied by the Executive Council? If so, and if that is the interpretation that is to be given in the consideration of these sub-sections, naturally a good deal of the discussion of these sub-sections would be very materially changed.

It is definitely stated here that these services that Deputy Hogan desires to transfer from the Local Government Department to the Ministry of Home Affairs are allocated to the Ministry of Local Government. When they are allocated there it becomes an Act, and surely if it is desirable to transfer them, if the Ministry think they should be transferred, they should be transferred while this Bill is before the Dáil.

**ATTORNEY-GENERAL:** May I point out that the Bill, in Section 11, makes express provision enabling the redistribution of public services, and in a matter of this kind, which will probably require legislation, it would be very inconvenient to proceed to redistribute the functions before you have legislation providing new machinery. For instance, if the method of compiling registration lists is to be taken from one body of persons and put in the hands of another body it will require an Act. If in the meantime you allocate the function to the Minister for Justice he will, during that indefinite period, have to take charge of persons who are more naturally under the Minister for Local Government, so that if this reform is effected it will require legislation, and attendant on that legislation an order could be made, under

Section 11, redistributing this and putting it under Justice.

**Mr. JOHNSON:** On the point of the practicability of this amendment, if I am not mistaken it was found that during the preparation of the lists of the register that certain officials of the Local Government Department were not doing their work satisfactorily, and provision was made for somebody else to do that work. It is quite possible that may be required again, and I can see that even within this amendment the satisfactory officials of the Local Government Department may still be employed, until the full machinery is at work, as agents for the Minister for Home Affairs or the Minister for Justice, as he may be. I do not think it is unknown in Government services for servants of one Ministry to do duty on behalf of another Ministry, and I think that that might well be accomplished even though this amendment were accepted.

**The PRESIDENT:** I cannot accept the amendment. This amendment and the next one are much the same. The next includes the charge of roads and highways. The mere selection of one Minister as regards another does not involve very many considerations other than one which might be put forward as regards their adaptability for a particular class of work, but the taking of the ordinary machinery for the registration of voters from Local Government and handing it over to the Ministry of Justice is a step for which no reason has been given that would convince me that it was a desirable improvement on the present situation. If there be anything wrong at all it is in the compilation, and that involves a number of very serious questions. There are people who consider that they have a vested interest in that particular class of work. Vested interests of persons occupying positions under local authorities are usually costly things to annul, unless there is a very grave reason for annulling them. You can dismiss, but if you simply take away, there must be compensation. The local authority would, in my view, hesitate to compensate in a case of that sort, and the question is really too com-

plicated to be dealt with in the manner of an amendment such as that, and at the same time the fact of improving it is what I believe the Deputy has in mind in moving the amendment. No reason has been given as to how this would be better administered under one Minister than under another. No reason has been given as to any particular machinery that one Minister might bring into play that is not in play at present. If, on the other hand, there is to be an entire alteration of the system of registration that alteration is a big question, involving many considerations which I do not think would be disposed of by passing this amendment.

Amendment put, and declared lost.

Amendment by Mr. R. Corish:—In Sub-paragraph (iv.), lines 60-63, to delete the words, "elections to each House of the Oireachtas, elections to local bodies and authorities, registration of voters, maintenance of public roads, and highways."

**Mr. CORISH:** With the leave of the Dáil I would like to withdraw the first portion of this amendment, as it has been practically disposed of with the last amendment. The object of the latter part is to try to secure the attention of the National Government to the present condition of the roads. I am of the opinion that the local authorities are not in a position to give the attention to the roads warranted at this particular juncture. The roads in this country have been neglected very much during the past five or six years, with the result that the highways are, I daresay, about the worst in the world. All over the world to-day different States are giving this due attention, the attention it warrants in view of the heavy traffic in the way of motor haulage, and my proposal is that this matter should be taken from the local councils altogether and placed under a Ministry of Transport, as is proposed in the Railway Bill. I think everybody will agree that the roads have not got the attention they warrant, and the object of this amendment, as I have said, is to take all extraneous functions from the Local Government Ministry and to make it as much as possible a

[Mr. Corish.]

**Ministry of Health.** I formally move the amendment.

**Mr. WILSON:** In view of the Bill brought forward to appoint a Minister for Transport, what will happen to the roads if they were taken from under the control of local authorities, as would be the case if this was expunged.

**Mr. JOHNSON:** Read down the amendments. There is a consequential amendment.

**Mr. WILSON:** If you take the power of maintaining the public roads and highways from the Local Government Department and this Transport Bill of yours does not pass, who will then look after them? That is the point I would like to have cleared up.

**Mr. JOHNSON:** Do not imagine impossibilities.

**The PRESIDENT:** This also, to my mind, raises other difficulties. At present the Minister for Local Government exercises control over the administration of local authorities, and in his capacity as supervisor of roads—I forget the exact term—is entitled to authorise the expenditure of certain moneys on roads. We take him away and we anticipate a larger amount of expenditure on certain roads, and there would be no authority that I know of to deal with the matter should this amendment pass. I have not observed any amendment placing the control under any other department, and then, in the event of the calamity of the failure of this other Bill to pass, as Deputy Wilson suggests, we would be left without any person in control of roads. I am sure the Deputy had not that in mind when he put down this amendment. There was a Ministry of Transport, or a Road Board, or some other organisation like that, but now the Local Government Department has taken over these various boards, which are now comprised in the one term, "Local Government," generally.

I do not know that there has been that opportunity for utilising the services of these institutions to their best. I think that we are on the eve of utilising them to their best, and of getting better value than up to this.

It would be unwise now to make another change, at least until an opportunity had been given to the Minister for Local Government for making good, but in any case if it were desirable to take control away from the Local Government you must first make up your minds as to whom it is to be given

**Mr. JOHNSON:** I am sorry to have to point out to the Minister his lack of attention to the Bill of which he is in charge. The same applies to Deputy Wilson. There are provisions in other amendments handing over this particular function of looking after highways and public roads to another Department, and if the Dáil would signify its desire to have that function taken from the Local Government Department, undoubtedly it would be sensible enough to put the work into the hands of somebody else. If the President would look at Amendment 11 he would find that what he thought an oversight has not been an oversight at all. The President has noted that there was a Ministry of Transport, and a Road Board. I think it is rather a pity that the fullest advantage was not taken of extending the functions of that Road Board. The roads are becoming more and more a matter of importance, and less and less are they becoming local, and it was in view of the expressed desire to place administrative affairs on a more scientific foundation than they had been that this attempt was made to put the highways and public roads under the charge of an authority whose function it would be to look after provisions for transport, and take them out of the hands of Local Government. Deputy Wilson has, I think, indicated more than once the difficulties that arise from the use of certain roads under one local authority by conveyances issuing out of another local authority's jurisdiction. We find very many complaints that heavy vehicles belonging to one town or district use roads of another district, and that will continue until you have some co-ordination of responsibility. It was with that desire this amendment was put forward. Whatever objections there may be to the amendment they are not the objections which have been stated.



**Mr. WILSON:** Might I point out that I think Deputy Johnson is putting the car before the horse. He takes away the authority of the local bodies, and before he sets up another authority he leaves these roads in the charge of nobody. In the proposed Bill of course the authority would be set up, but I maintain he should first have that authority, which he calls Transport and Communications, and then he could transfer, as was intended to be transferred before, their functions, by taking them away from Local Government, and giving them to this body which he proposes to start, but which is not in existence at the moment.

**ATTORNEY-GENERAL:** May I point out that the amendment, and the consequential amendment, would not have the effect of removing these roads from their present custodians. The only effect would be that they would remain as at present statutorily administered under the various Local Government Acts, but that the different Ministers would be responsible for those branches of what are now the same system of Local Government. Again, this amendment would merely have the effect of putting two Ministers in charge of what are now under Statute branches of one subject matter, Local Government.

**Mr. GOOD:** May I point out that this is a matter that possibly ought to get more consideration than it appears to have had. I agree with Deputy Johnson that there are very sound grievances at the moment. In some of the local authorities we have road-ways which are very largely used, and from the traffic on which they derive no benefit at all. These heavy motors pay a motor tax, and under the old *régime* it was under consideration as to whether the main roads would not be taken over and administered by what was called the Road Board, and some of the main roads in Ireland have been so administered. Under the new *régime* these motor taxes are collected, and I do not know that any body has been set up corresponding with the Road Board. Consequently the heavy maintenance now falling on several of the local authorities will have to be borne

by these authorities, and, I think, unfairly borne. It appears to me that this whole question of road transport is one that ought to have the serious consideration of the Government, and some considered proposals should be put before the Dáil with regard to it.

**Mr. L. D'ALTON:** I quite agree with Deputy Good in this matter as to the importance of the maintenance of the main and trunk roads, and that they should be under certain control, but I know of no control under which they can remain but that of the Department of Local Government. That matter is in their hands—the maintenance of these roads as they should be maintained—and the co-ordination that Deputy Johnson looks for can alone be had by the existing authorities, the Local Government Department, using the power which is in their hands to see that the co-ordination takes place, and that those who run the County Councils and the Corporations and Urban Councils should see how they can co-ordinate. I think at present we all see the necessity for an improvement in the roads, but now is not the time when the Local Government Department has framed a scheme dealing with these roads and which aims at seeing that the money expended and labour employed on these roads is done so to the advantage of the ratepayers, in the improvement of these roads and making them suitable for traffic, and place them in a position that those who pay their motor tax will have roads that can carry goods in competition with the railways. To change the authority at present, unless there is some solid reason given, would be a very great mistake.

Amendment put and declared lost.

**Major BRYAN COOPER:** I beg to propose the following amendment, No. 5:—

“In page 4, line 9, sub-paragraph V. to delete the words “vocational and technical training.”

This amendment, together with the consequential amendment No. 9, purports to withdraw technical and vocational training from the Ministry of Education, and give it instead to

[Major Cooper.]

the Ministry for Industry and Commerce. Technical and vocational training, or technical instruction, as it is known, has never been under the Ministry of Education in the past. It is being transferred from the Ministry of Agriculture to the Ministry of Education, and I will try to persuade the Government that in making this change it should not be under the Ministry of Education but under the Ministry of Industry and Commerce. In spite of the devoted work done by very able men for technical education in this country I do not think that we can say it is in a satisfactory state. I think it was started on wrong lines. About the time the Department of Agriculture was started, Sir Horace Plunkett explained his intention in a reference which I have been unable to trace. As far as I can remember, he wanted every farmer to acquire a sufficient knowledge of carpentry to be able to mend a door or hang a gate. The result is that technical education has largely tended to produce a smattering of knowledge and, when a man has finished his ordinary education, sometimes he went to a technical school to learn to mend a door but more often to learn shorthand and typewriting, to get away from the farm. Some weeks ago the Minister for Agriculture complained that amongst the functions which came under him were the teaching of French, shorthand and typewriting. These are not part of technical education but rather are a part of secondary education. If they are technical education I can quite admit the case for bringing them under the Ministry of Education is a perfect one. To my mind technical education should be something very different from that and instead of following the footsteps of the past the moment has, I think, come to make a very great change because we cannot afford to go on producing elegant accomplishments, which is what most technical schools in this country have been doing. I remember about a dozen years ago—and I do not think the system has changed since—going over a technical school and discovering that for every girl learning cooking nine were learning to draw and shade

cones and cylinders. That is a very excellent thing in its way, but why should the State pay for it? I want to make technical education an introduction to industry and as far as possible a branch of industry itself, and I think we should follow the lines adopted in Germany before the war. I am forced to take pre-war conditions because at present you cannot get information from Germany that is not propaganda on one side or the other. Before the war German technical education was very remarkable. Take Chemnitz, an industrial town in Saxony about the size of Cork. It would like to call itself the Manchester of Germany. In Chemnitz there were compulsory continuation schools to which children went from the age of fourteen to seventeen and paid fees. There were two general artisan schools for teaching general trades—one for boys and one for girls. There were trades schools run by trades guilds, and I wish our trades unions would think of taking up something of the same kind. These schools were for tailors, chemists, innkeepers—I do not know if anybody in this country would say that innkeeping is a trade to be taught.

**Mr. WILSON:** And barbers.

**Major BRYAN COOPER:** Yes, barbers. Surely nobody would like to be shaved by a barber who does not know his business. Chemnitz is mainly a textile town and a special textile school was established there. In 1900 it had about 60 students. It had an academy which taught chemistry, engineering, and architecture with power to give degrees. It had 404 students. There was also a trade school which taught milling and engineering. The students there were engaged in industry and commerce during the day and went to school at night to try and better their conditions. In this not very large German town, there were three technical schools directly connected with industry, and the working people thought it worth while to pay fees to go to them because the whole object of German technical education was not to train the rank and file, but to train officers. All who were educated there felt that they were qualifying themselves to work upwards. I should

like to see something like that in this country, though I admit it would not be easy. It would take a good deal of thought, and would require co-operation between employers and labour so that I do not suppose it would succeed. Take Cork for instance. I believe it has a brewing industry. I should like to see a brewing school there. It has an industry for assembling motor cars, and I think the technical schools there should teach motor engineering in the hope of students turning out some improvements, for even the Ford car is capable of improvement. These are the lines we ought to go on in the future. That is the reason I am putting forward the amendment, and I believe that technical training should belong to the Ministry of Industry and Commerce and not to the Ministry of Education where it will become less practical and more academic.

**Mr. GOOD:** Deputy Cooper has pointed out one of the reasons why technical education has failed in this country. I am sorry, as one who has had a good deal to do with technical education, that I cannot agree with his reasons. The reason that those engaged in technical education assign for its failure, for it has been a failure in Ireland, is the low standard of primary education in Ireland. Owing to this low standard of primary education, boys and girls coming from primary schools are unable to pass the simple qualifying examination for entrance into technical schools. The result is while we have magnificent schools, not alone in the cities but all over Ireland, they are, comparatively speaking, empty. Technical education has been under a separate educational authority in Ireland since its inception. I am quite satisfied if technical education is to attain to that position in this country in the future in which we would all like to see it, it is only by having it and all other departments of education under one authority. I hope the Government will adhere to its proposal to place these different departments of education under one authority.

**MINISTER for AGRICULTURE (Mr. P. Hogan):** I think there is very little between Deputy Cooper and

Deputy Good. Deputy Cooper would like to see brewing and the technical side of brewing taught in Cork, and also the dyeing industry taught where there is a dyeing industry, and so on. That was not done in the past. There was no attempt whatever to make arrangements for the teaching in technical schools of particular industries to suit particular localities where the teaching of, let us say, special subjects would be appropriate. The reason probably was that there were very few industries, and there was not sufficient demand. There is nothing in the Bill to prevent—even though technical education, like primary, secondary and university education, is controlled and co-ordinated under the Minister for Education—the Ministry of Industry and Commerce, or, say the Ministry for Agriculture or any other Ministry who wish to develop any special branch of technical education, from making a special grant out of special funds to any technical school to develop that. I think that sort of arrangement is much sounder than to take technical education in bulk and say it shall be controlled by the Ministry for

*a o'clock.* Industry and Commerce.

What is technical education? Reading is part of technical education. Writing, arithmetic, algebra, other subjects of that sort are taught and will always be taught in technical schools. French could be taught, shorthand and book-keeping could be taught and will always be taught in technical schools.

What Deputy Cooper wants to provide for is, where there are special industries, and where it is necessary that special technical skill should be acquired for special industries in particular neighbourhoods the particular Ministry interested should be in a position to promote and develop them. In this Bill the Ministry for Industry and Commerce can provide in its estimates for a grant to technical schools somewhere and would be in a position to say to a given technical school: "We will give you so much per annum provided you give so many hours per week to this subject and provided you satisfy us as to the syllabus." That is the point Deputy Cooper makes. In the same way the Minister for Agriculture could say

[Mr. P. Hogan.] to any of the schools teaching agriculture through the country, and there are a number of them: "We will give you a certain amount of money provided you give a certain course of agriculture in your schools." That is provided for, but because it is necessary to provide for that, and to give a Minister who has an interest in such a subject a chance to develop it, we should not, because of that, hand over technical education as a whole to that Minister. The Minister for Education should control technical education in its proper aspect. There should be ample opportunities for any other Ministry, perhaps even the Ministry for Finance, which may be interested from its own point of view, to develop that in any school anywhere.

**Mr. PETER HUGHES:** To my mind nothing speaks so well as facts in most of those cases. I agree with Deputy Cooper when he said it is a good thing that industry should be taught in technical schools and that facilities should be given for the teaching of particular industries in any district. I venture to suggest that the fault lies greatly with the Committees of Technical Instruction, because I know that the Department are willing to help people to put up workshops of a particular kind suited to a particular locality. I know that in the town I come from they have given a grant to put up a workshop driven by electricity, and all the various machines are there to teach young men what they are supposed to learn in railway work and foundries. I think if the various Committees took up the class of work suitable to the district and asked the Department of Education for grants they would get them. As regards motor engineering, it is only a few days ago since I had an interview with an inspector of the Department, and he was anxious to push the motor business, because, he said, there were a great deal of motor mechanics in that area and he would be prepared to establish a class in connection with the school. I think it is a proper thing to do, but at the same time I believe that the Ministry for Education are the proper people to carry it out. If the other Departments wish to give grants for a special

purpose, as Deputy Cooper has said, it is a good idea. The one great drawback, as far as technical schools are concerned, is the want of primary education. My experience is that very few boys and girls who get to 4th and 5th Standard and come to technical schools are fit to absorb what they get. I think if more attention were paid to this class it would be much better for technical education.

**Mr. O'CONNELL:** I rise to oppose this amendment. It is generally admitted that anyone who has a practical knowledge of educational matters knows that education in this country is at a low ebb. One of the principal reasons for that was the want of co-ordination in the past between the various education departments. Education was run in a series of water-tight departments with no relation whatever between one department and another. The result was that there was overlapping, waste of effort, and, on the whole, not at all the results that should have been obtained under a properly co-ordinated system.

We have heard from Deputy Good a reason for the failure of technical education. I do not admit at all that technical education, even as it has been administered for the past 20 years, is a failure. But I do say that it has not been as successful as it might have been under different circumstances. He rightly suggests that one of the reasons why that is so is that the pupils coming into technical schools have not reached the standard of education that they ought to have reached. I admit that fully and freely, but I want to point out that under the circumstances as they existed it was absolutely impossible that they would have reached that standard. What are the facts? There is no school-leaving standard at the present time. There is no standard which it is necessary that a pupil should reach before he or she leaves the primary school. They can leave when they like. The average school-leaving age is from 9 to 11 years. These pupils leave school, run about for two or three years, and it is only then that they begin to realise that they will want some smattering of education in order to get any employment. Then they turn their attention to the technical schools. They

go into the technical schools and learn what they should have learned in the primary schools. That is the position, and it is well that the Deputies should know it. An improvement will not be effected unless there is co-ordination between the various systems—if we can call them systems. I say there should be only one system, and the Minister for Education should be responsible for the whole system of education in the country.

There are other important points. When the course of education in the primary school is completed, the boy has to make up his mind as to what he will do, whether he will go to the Intermediate school and enter a profession or turn his attention to industrial work and go to the technical school. I hold that it is the duty of the Minister for Education to make provision whereby the programmes and curricula of the schools will be so co-ordinated as to enable the pupil to go from one school to the other without a break. Deputy Cooper told us a lot of interesting things about what was done in a certain town in Germany. I was waiting to hear whether or not education in Germany was under the Minister for Industry and Commerce or the Minister for Education. That would be the real point of his statement. I certainly think that if we are to have improvement and progress in education, we must have one Minister and one Department responsible for education in the whole country.

**ATTORNEY-GENERAL:** There is no doubt that Deputy O'Connell put his finger on the spot when he said that co-ordination is the one necessity for education in this country. It is not merely a matter of co-ordination in primary, secondary and technical schools—it runs right through up to the University. University professors will tell you that pupils come up to the Universities without having attained a standard that fits them to receive what ought to be University education. And so pupils going to the Universities are receiving what is really no more than a secondary education. Technical schools have had a non-educational authority in Ireland up to the present.

Now it is proposed to put them under an educational head, which will co-ordinate all the systems of education. In this connection, referring to what the Minister for Agriculture said, I may say that he had been speaking to me earlier with reference to his own Department. The Government is ready to introduce an amendment in reference to his Department—and I think the same would apply to the Department of Industry and Commerce—to permit the promotion in his case of agriculture, or in the case of the Minister for Industry and Commerce, of industry and trade, by way of education. By that means and in that way the point that Deputy Bryan Cooper made will be met.

**Major BRYAN COOPER:** I am not entirely convinced by the arguments of Deputy Hughes or the other Deputies who have spoken against this amendment. I am not convinced by the argument that because the state of primary education is bad, therefore technical education should be put under the same authority. It seems to me to be almost a paradox. Also, I am a little afraid that the Ministry of Education has so many problems in its own sphere that the transferring of the problem of technical education would be a rather heavy burden to place on its shoulders. I am impressed by the remarks of the Attorney-General, and also by those of the Minister for Agriculture. I think the amendment the Attorney-General is prepared to introduce on Report Stage would improve the Bill. We have had a valuable and useful debate on the subject, and I beg leave to withdraw the amendment.

**Mr. GOOD:** I would like to impress upon the Government the desirability of avoiding, as far as possible, the creating of a number of small schools. I quite agree with the Minister for Agriculture that if there is no possibility of providing the specialised education in connection with a particular industry in a particular district, then his Department should be given power to set up a special school for the specific purpose in that particular area.

If there should be a technical school in that particular area, and it is capable of adding an additional class and giv-

[Mr. Good.]  
ing that specialised education in that technical school, it ought be done in that way rather than by setting up a series of schools. I think that is the point we should be careful to avoid, and we should aim at concentrating rather than segregating.

**Mr. HOGAN (Minister for Agriculture):** That was exactly the idea, and that was the idea to which the amendment will give expression.

Amendment, by leave, withdrawn.

**Mr. JOHNSON:** I beg to move:

"In sub-paragraph (v.), line 9, after the words 'technical training,' to insert the words 'other than scientific and technical research in relation to economic development.'"

There is a question as to the intention of the Ministry in regard to this. I suggest it should be research, with a definite scientific purpose, a technological purpose. It may be undesirable that definite research work of that kind should be retained by the Ministry of Education.

I can understand, for instance, that the Minister for Agriculture would require to have authority over definite research work in reference to agriculture, as the Minister for Industry and Commerce should have responsibility for definite research work in relation to technology. There does not seem to be any department within this scheme actively interested in research, and I think it will be generally accepted that industrial development and, perhaps, agricultural development depend as much upon the research student as upon any other single factor.

Schedule 4 of this Bill places the Geological Survey under the Minister for Education. I do not know what the Survey comprises, but if it is confined to land in connection with agriculture, it should be under the administration of the Minister for Agriculture. The College of Science is used largely for definite and positive research. Inasmuch as it is mainly used for educational purposes, it should be under the Ministry of Education. But there are other operations possible in connection with it which should, I think, be under the control of the Ministry of Agriculture

or the Ministry of Industry and Commerce. The object of the amendment is to ensure that that kind of inquiry should be definitely dissociated from the Ministry of Education.

**Professor THRIFT:** I hope this amendment will not be accepted. Even so far as technical research is concerned, it seems to me that the greatest hope lies in research conducted under the ægis of the Universities, rather than under the ægis of the Government. I do not think that we need to look long back into the history of other Governments—we have not a long history of our own to look back to—to find that the needs of research have not been attended to by these Governments and are not likely to be attended to by Governments, who have many other things claiming their attention. It seems to me that the hope of research, whether purely scientific or technical, lies in higher education and in the use of the laboratories connected with the Universities. I hope the amendment moved by Deputy Johnson with, I am sure, the best intentions, will not be accepted.

While speaking, I would like to mention a point in connection with this Sub-section, and to raise a question for the consideration of the Government. It may be argued that the wording of the Section goes further than is intended by the Government and leaves it open to some future Government to say that University Education has, through this Sub-section, lost that autonomy which, I am sure, the present Government does not wish to take from it. It would seem to place University education on the same basis as the other systems of education. I would ask the Attorney-General if he could not, on Report Stage, put in some words safeguarding University interests in that respect, and thereby remove the fears of those who, I think, reasonably regard the wording of the Section as ambiguous.

**ATTORNEY-GENERAL:** As regards the last point, the position in connection with the Universities is that they are corporations under Charter and are self-governing units. It is not proposed by the Bill to touch their autonomy or

their educational or chartered position. If there is any doubt about that, the matter can be made right by a small amendment on the Report Stage. The Section is rather directed to another aspect of the question. Apart from the existing, permanent revenues of the Universities, if public moneys are to be granted them, that should be done upon the recommendation of the Minister for Education, and on his satisfying the Minister for Finance and the Executive Council that the grant should be made. Otherwise it is not proposed to touch the Charters of the Universities.

**Mr. HOGAN (Minister for Agriculture):** As regards Deputy Johnson's point, the amendment the Attorney-General mentioned in connection with the last amendment moved by Deputy Major Cooper, will, I think, cover the matter he has in mind. The Dáil has to remember that the most important schools of the country—primary, secondary, technical and university—will not be controlled by the State at all. This Bill only deals with education and only controls education for which money is paid out of the taxes. If Deputy Johnson's amendment were inserted in this Section, it is quite possible that it would not be competent for the Minister for Education, or any other Minister, to make grants in connection with scientific and technical research in relation to economic development. Deputy Johnson will agree that if the Minister for Industry and Commerce be in a position to encourage scientific and technical research in relation to economic development, the Minister for Education and other Ministers should be also in that position. I think the amendment which the Attorney-General indicated in regard to Deputy Major Cooper's point will meet the case.

**Mr. JOHNSON:** The arguments of the Minister are, I think, sound. The object of this amendment was rather to leave it as a possibility for the Ministry of Agriculture or of Education or of Commerce, if funds were available, to do something positive for economic development in a specific line, which might not seem to be quite educational work. I realise that the effect of the

amendment would be, perhaps, to deprive the Minister for Education of certain rights which I would like him to have. Therefore, I beg leave to withdraw the amendment.

Amendment, by leave, withdrawn.

**Mr. DAVIN:** I beg to move: "In sub-paragraph (vii.), line 38, to delete the word 'transport.'"

The powers and responsibilities of this Ministry, as detailed in Clause 7 of this Bill, and also in the Schedule, show quite clearly that it is already overburdened. It can be seen from the Schedule that the Ministry is really a combination of the Board of Trade, under the old regime, and the Ministry of Labour. If the Minister and his advisers were in a position to give that thought and consideration to the problem of unemployment which is requisite, they would have, in view of existing conditions, a job that would be quite sufficient to keep them going for the next twelve months. The functions of the Ministry are extraordinarily comprehensive and varied.

It is improbable, especially in view of the declarations that have been made by the Government that there is going to be a greater amount of Governmental control for the Irish Railways or the Railways in the Free State, that the Ministry will be able to give the attention in the future to the question of Transport that they are able to give at the present time. There is a case as a matter of fact for a separate Transport Ministry quite apart from the Transport and Communications Bill. Whatever the fate of that Bill may be, if we believe the statements that have been made in this Dáil with regard to Government policy, and with regard to the future of the Railways, then I think that that aspect of the problem dealing with Railway, Canal and Road Transport should be dealt with by a separate Ministry.

The Transport and Communications Bill does not add to the number of Ministers already in existence, but I think the amendment might be acceptable to the Government in view of their own declarations. I therefore move the amendment.

**Mr. O'MAHONY:** The desire of the Deputy appears to be to create an additional Ministry.

**Mr. DAVIN:** I distinctly stated that was not the position.

**Mr. O'MAHONY:** That was the deduction that I naturally, and I think most Deputies, drew from the Deputy's speech. The time has not yet arrived for a separate Minister for Transport. The Executive Government have not absolutely decided what they are going to do in regard to the railways. If they propose taking over the railways, then one could understand the necessity for creating a separate Ministry of Transport, but under existing circumstances all the arguments that were used this evening against a Ministry for Foreign Affairs could be used with much greater force against the proposed Ministry that would result if the Dáil were to fall in with the views that Deputy Davin has given expression to. Transport, in so far as it will be dealt with under existing conditions by the Minister for Industry and Commerce, will be a relatively small matter. Railway transport is at present in the hands of several companies. In all probability the same control will continue to be in operation, though the number of companies will probably disappear, and you will have one or two companies functioning as regards the control of the railways generally in Ireland. In these conditions I think there is no necessity for giving effect to the amendment that has been moved by Deputy Davin. We have not yet reached the time at which it is desirable that there should be a separate Ministry of Transport. On the Bill to which he is to speak this evening I am sure Deputy Johnson will air his views at length and effectively, and that will be the time, I should say, when the decision reached on that Bill will determine whether the necessity for having a Ministry of Transport will arise in the near future.

**ATTORNEY-GENERAL:** Might I suggest that this is one of a series of trial gallops in preparation for the

great race which is to be run at 7 o'clock this evening, and that as it stands by itself, with this consequential amendment, the only effect of it would be to transfer Transport to the Postmaster-General and call him Transport.

**The PRESIDENT:** I think the Attorney-General has discovered the real point at issue in this matter. In the first place, as I understand, the proposal in this consequential amendment is to make the Postmaster-General Minister of Transport and Communications, and, I suppose, of the Post Office, because, as far as I can see, it is not intended to take away the Post Office, but to change the name so that the Post Office should be administered by the Ministry of Transport and Communications, and that there should be no mention whatever of that very important service in which the Postmaster-General has distinguished himself during the last eighteen months or two years. I regret that I was absent from the Dáil when the Deputy was making his case for this particular change, but it appears to me that Industry and Commerce, as a Ministry, has had now a very considerable experience of these particular activities, including railways. While Deputy O'Mahony is quite correct in saying that the Government has not a policy, he is correct to this extent that the Government has not disclosed its policy.

**Mr. DAVIN:** Even to its own supporters?

**The PRESIDENT:** I am sure Deputies would not wish to hasten unduly the bringing forward of proposals for dealing with such a very important matter. I am not at all satisfied that the Postmaster-General himself has a particular appetite for extending his activities in this direction, and I am not satisfied either that a case has been made to discount the work that has been done by the Ministry of Industry and Commerce in respect of these particular services.

I do not know that the amendment could be accepted by us; in fact it could scarcely be accepted by us, in view of the fact that a very important event is to take place at 7 o'clock this evening, and we would, to some extent,



anticipate the discussions upon that very important measure if we were to give any consideration just now to the acceptance of this amendment.

During recent months, and, indeed, for many months past, I have had considerable experience myself of this very intricate service, and I am of opinion that it would be very unwise at present to change the administration of these services from one Minister to another. I have no doubt whatever but that the Postmaster-General is a very able and competent Minister, but I do say that he has a very large establishment to administer, and that it is quite large enough to tax the energies of even a very capable Minister like himself, and that there are opportunities, very big opportunities, I should say, for effecting some improvements even in that service. I should say, in common with other Deputies in the Dáil, that I admit the great improvements the Postmaster-General has effected already in that service. To bring now under his administration another service, and a very different service to the one that he has, would be certainly unduly to tax his ability.

**Mr. HEWAT:** I was sorry to hear Deputy O'Mahony say that the Government had not any mind on this question of transport, but I am glad that the President has corrected that by saying that they have not disclosed their decisions, and in connection with the important matters to be raised by Deputy Johnson's Bill, I think that is a wise course for the Government to take. I think that the Section as it stands should remain, including the word "Transport," so as not to confuse the issue.

Amendment put and negatived.

**Mr. JOHNSON:** Amendment No. 8, in my name, is consequential on the last amendment, so I do not move it.

**AN LEAS-CHEANN COMHAIRLE:** The same applies to amendment No. 9.

**Mr. DARRELL FIGGIS:** I beg to move amendment No. 10: To delete subparagraph (viii.). On the Second Reading I dealt with the question of this De-

partment existing as a separate Ministry, and I should say, in moving this amendment now, that it does not mean that the Department of Fisheries as a separate Department should cease to exist, although I urge that it might be split up and made a sub-department of other departments, but that does not necessarily follow. The purpose of this amendment is to remove it as delineating apart for a separate existing Ministry in order that on the next reading the opportunity may be furnished for re-dividing the services enumerated in it amongst certain other Ministries. I stated, on Second Reading, and I repeat it, that if we were in the position to do so, the Department of Fisheries might be made one of the most important Departments of the State. It might be raised, if moneys were available to be allocated to it, into a position of such great importance that it would then justify the allocation to it of a separate Minister. I am now putting forward this amendment, not because I do not think the Department should be kept alive in view of that possibility of the future, but because there is no means at the present moment to make this Department of Fisheries a live department, to re-organise the whole of the national fisheries as they require to be re-organised, and particularly to organise export markets and home markets in the way in which they ought to be organised, so that I think that for the immediate purpose of this Bill the Department of Fisheries should be allocated elsewhere to another Ministry and not exist as a separate and distinct Department. Now, I am met already by the argument raised in one or two places that it lies within the functions of the Executive Council in this Bill to say that one Minister shall discharge two or three of these Departments. That, of course, is perfectly true; that is the text of the measure, but I imagine that it would be conceded that by setting up these departments under separate heads, and calling each a Department in the official language in which the word Department is used in the Constitution, the way is paved for the creation of separate Ministries as well as separate Departments.

It is a fact that the Ministers that

[Mr. Darrell Figgis.]

exist at the present moment are the Ministers that exactly, in number and in function, agree with the Departments set out here in Section 1. I urge at the present moment that while the Department of Fisheries should be continued there is no need for a separate Minister for Fisheries. Therefore, the whole of the services as enumerated in this Sub-section should be removed from the separate Ministry mentioned and should be placed over in the charge of other Departments. And when that is being done I think a little previous examination might be desirable. I believe it is right that sea fisheries should not be allocated to the Department of Agriculture, and I would like in that regard to see the whole of that branch of this nation's service, depending, as it very largely does, on the organisation of export markets, taken over by Industry and Commerce. I do not stipulate for that, but I throw it out as a suggestion. But I do urge that because they both happen to be called Fisheries there is no necessary connection between the administration of Inland Fisheries and Sea Fisheries. I think that the administration of Inland Fisheries should continue to be exercised by the Minister for Agriculture because they naturally arise out of the operations of the Land Act; but the main question that I am placing here is this. This Sub-section should be deleted because there is no room and no time, and there is no money for a separate Minister of Fisheries, and, therefore, in this Bill the whole of this Section should be removed and the duties and services of this Department that exists, and will continue to exist, should be attached to the service of other Departments.

There is only one further matter that I want to deal with, and that is in reference to the argument put forward by the Minister for Agriculture himself on Second Reading. He spoke of this Bill as being a permanent measure. I think that the allocation of different services cannot be regarded as in any sense permanent. Different allocations are bound to be made as experience goes forward in the future. All that this Bill really can be said to achieve is,

for immediate and for present purposes, until the necessity for change should be evident when certain departments should be so separated as to make room, and give justification for, the creation of Ministers in respect of them, and it is because of that conviction that I urge that Sub-section (8) should be removed and that the Ministry at the next opportunity should reapportion those services amongst other Departments, so saving the creation of this separate Ministry.

**ATTORNEY-GENERAL:** In dealing with this amendment I should like to say, in the first place, as Deputy Figgis will admit, there is no such thing as a permanent Bill with a sovereign Parliament. Undoubtedly although this is not, on the face of it, a temporary measure nor were a number of other measures, still as things grow and develop, amending Bills will be passed, reorganisations made and subsequently, perhaps, a Consolidation Bill of a more permanent character devised. This is a Bill which organises the Departments of the State as they now stand, and puts them into their natural divisions, and Deputy Figgis answers that by saying that his amendment does not mean that the Department of Fisheries should cease to exist. Now the deletion which he proposes, I am afraid, would have that effect, whereas what he is really driving at is that there should not be a separate Minister at the head of this Department, but that the Fisheries Department should be assigned with some other Department to an individual Minister. I suggest that this is the wrong time to make that case. The time for making that case is at the creation of Ministries.

Deputy Figgis has stated that under the Bill one or two Departments may be combined by Executive Ministers. The position is that these great Departments of State may be combined by the Dáil when the Dáil is electing its Ministry.

**MR. DARRELL FIGGIS:** The Attorney-General, I think, was near the precincts of this House when the Ministers were created. We had not at that particular moment the honour of his presence on the benches themselves, but

he may remember that when this question of the creation of a Minister was raised by three or four Deputies we were referred then to the introduction of this Bill.

**ATTORNEY-GENERAL:** I am afraid there must be some loose thinking somewhere. Ministers are elected under the Constitution. Under this Bill particular Departments of administration will be assigned to them. At the beginning of a new Ministry the President is elected by the Dáil. He proposes to the Dáil that he will appoint so many Ministers and assign them so many of the Departments of State. He may combine two or three under a particular Minister and the Dáil may not approve. The Dáil may refuse to approve of his nomination for that reason. Again, he decides to leave certain Departments of State as at present, as the President did at the commencement of this Dáil, outside the Executive Council. It would have been open then, for instance, as Fisheries and Agriculture were left by the President outside his nominations, for the Dáil to have combined Agriculture and Fisheries as two Departments in the same Ministry. The point I am making now is that this is not the time to raise this question. This question becomes appropriate at the creation of a particular Ministry. This Bill is not concerned with that particular matter. It is concerned simply with putting on paper, under headings, the various Departments of State—the natural divisions of administration. When the next Ministry comes to be chosen, then Deputy Figgis can romp home with his proposition about combining them, if the President of that day should not himself take the initiative in doing that.

**Mr. O'CONNELL:** The question at issue seems to be not whether or not we should have a particular Minister or a special Minister for Fisheries, but whether or not we should have a Department of Fisheries. I am strongly in favour of retaining the Department of Fisheries, inasmuch as I believe that the fishing industry is one of the most important that we have, next indeed to the agricultural industry itself. It is capable of even more development at

the moment than the agricultural industry; at least there is more room for improvement there, seeing that practically nothing has been done during the last 20 years or so. I will, therefore, oppose the amendment, because I believe that the fishing industry is of such importance, and can be of such vital importance to the country, that it is essential that a special Department should be devoted to its administration and development.

**Mr. DARRELL FIGGIS:** I would like to clear away from Deputy O'Connell's mind any misconception he may have—I doubt if he had any—as to my disagreement with anything that he has said. I have stated, and I repeat, that I believe that if there was finance available to vote for the creation of a proper Ministry of Fisheries it might prove to be one of the most lucrative things that this country has done. I believe our fisheries are probably our greatest natural resource. It is a fact that at the present moment there is not that finance available. Whether that finance be available or not, it is surely obvious to everyone that that money will not be voted during the next financial year, and it is hardly likely to be voted in the financial year after the next. In view of that you have got merely the maintenance of an existing Department, without the inauguration of new policies, without the finance appropriate to the inauguration of this policy, without any chance of extension or expansion, without any opportunities for the organisation of markets. These things all cost money, and the money will not be available. Under the circumstances I argue that the Department should not exist as a separate Department, but that it should be put in with some other Department and administered by the Minister for that Department. I appreciate the strength of the argument of the Attorney-General when he says that this was not the proper time. I have all the greater reason for agreeing with the Attorney-General because I raised that very question when this matter was brought forward in the Dáil on an earlier occasion. I thought that was the right time and not this. But we were referred then to this occasion. We

[Mr. Darrell Figgis.]

were told when we raised the question, as to whether a Minister for Fisheries should or should not be appointed, that that was not the time to consider it and that it ought to be postponed until the Ministers Bill came on, when we could raise the question as to whether there should or should not be a Ministry of Fisheries. I think the Attorney-General is right and that those who raised the question on an earlier occasion were right. We and he are in agreement on that matter, but seeing that that assurance was given that we could raise the question now and not then we have raised it now. I appreciate all that Deputy O'Connell has said as to the necessity for a proper Department of Fisheries with a Minister giving the whole of his time to it, when there would be enough finance brought into that Department to make it a living Department. But there is not the finance. There will be merely the continuation of the normal automatic functions of this Department until some time we hope in the very near future. During that intervening period this Department of Fisheries should not exist as a Department in the separate sense that it will be entitled to a Minister, but it should be included in this Bill with the services of another Department. It will be argued that because this Bill has set down in the Sub-sections of Section 1 certain separate Departments that each of these Departments will be Departments in the sense of the Constitution carrying separate Ministers.

#### **MINISTER for AGRICULTURE**

(Mr. Hogan): Deputy Figgis has just announced that he is not open to argument. I had thought so.

**Mr. DARRELL FIGGIS:** I did not say that.

**Mr. HOGAN:** He evidently took advice which he should not take. He should not take advice slavishly. He ought to be well able to look after himself. He should have made his point on the last occasion and not now say that he did what he was told. The point is that a Ministry of Fisheries, according to Deputy Figgis, will be required later on, but that we have not

enough of money to run this sort of ambitious Ministry of Fisheries that we would like to run at the present moment. His proposal is that because we cannot do that thing now we should not establish the machinery that enables it to be done later on when we have money.

**Mr. DARRELL FIGGIS:** Nonsense.

**Mr. HOGAN:** That is the sort of muddle-headedness—I do not know whether it is deliberate muddle-headedness—that Deputy Figgis has been the victim of since this Bill was introduced. This Bill does not aim at providing machinery for the situation that exists on the 5th December at five minutes to 7 o'clock. It aims at providing the machinery of Government for the next 20, 30 or 40 years.

That does not mean to say that we will not have to improve and amend it. At this stage at least we ought to know what we are aiming at. We are aiming to provide machinery of government for the future, and any argument that it is not appropriate at the moment, while admitting that it may be appropriate in a year or two, is simply giving away the whole case. It is common ground at least that in two or three years a very ambitious and a very costly, if you like, Ministry of Fisheries would justify itself. That is a common case. We are providing machinery here that would enable us in two or three years to do that. Deputy Figgis' amendment would mean that if in two or three years we wish to add a Ministry of Fisheries we would have to have a special Bill for it. If that is sound as far as Fisheries are concerned, why not apply it to every other provision of the Bill? The Deputy did not give the question any thought, and that is shown by the fact that he has not made a single suggestion as to what Ministry it should be attached to. It may be that I did not hear him.

**Mr. DARRELL FIGGIS:** The Minister has suggested that I am guilty of muddle-headedness.

**Mr. HOGAN:** If the Deputy had an explanation to make—

**AN CEANN COMHAIRLE** resumed the Chair at this Stage.

**Mr. DARRELL FIGGIS:** I will not charge the Minister with that, but I will say that he has addressed the Dáil as if it was a Petty Sessions Court.

**AN CEANN COMHAIRLE:** That is not a point of order or an explanation.

**Mr. DARRELL FIGGIS:** In moving the amendment I gave a definite contribution, and made the point that the Minister is now raising, before the Minister came into the Dáil.

**Mr. HOGAN:** I listened to the Deputy stating expressly before he sat down that he did not propose to say what Ministry it should be attached to. It may be that, before I came to the Dáil, he suggested some Ministry. He certainly said before he sat down that he would not give the Dáil the benefit of his view as to what Ministry it should be attached to. I suggest that he should begin to think about that question. If he did, he might find reasons for establishing a separate Ministry of Fisheries more cogent than he thinks. The fact of the matter is, and you have got to realise it, there is a special problem in this country, and that is the problem of the congested districts. I think experience will show that you will require something like a Minister for the congested districts to deal with services that are peculiar to the congested districts, and that are not common to the congested districts and the other districts, such as

7 o'clock. land purchase. That is the reason why I am advocating that there should be a separate Ministry of Fisheries, and that the same Minister should deal with rural industries. We have the machinery in the Bill for the future developments which, I suggest to the Dáil, experience will show is necessary in that direction.

**Mr. McBRIDE:** I think both the Minister for Agriculture and Deputy Figgis have been wasting time.

**AN CEANN COMHAIRLE:** Deputy McBride is in a very fortunate position. He has only one minute to waste.

**Mr. McBRIDE:** I was the first to object to the establishment of a Ministry of Fisheries, but the Dáil has already decided that one should be established. Having so decided, I do not think the Dáil can go back on that decision.

**Mr. GOREY:** I move to report progress.

Progress reported; Committee Stage to be resumed to-morrow.

## PRIVATE BUSINESS.

### STAFF AT GREEN STREET COURTHOUSE.

**Major BRYAN COOPER:** I move for a return showing the number of the staff (other than clerical staff) employed at Green Street Courthouse, the duties they perform and the salaries (including all allowances) they receive.

From what the President said when a similar motion was moved about a fortnight ago, I should like to lay it down as my view, that so long as Ministers choose to be responsible only to the Dáil for financial expenditure, and so long as there is no Estimates Committee, and no Committee to review the expenditure of public departments, it will be not only the right but the duty of Deputies to move for returns of this nature when they think there may be a possibility of making economies. The motion is not put down in hostility to the Government. I realise that these returns cost a certain amount of money and take a certain amount of time to prepare. I think that if any Deputy has reason to believe that economies can be made in any department he has a right to ask for information on that point without being accused of hostile propaganda.

**Mr. DARRELL FIGGIS:** I beg to second. May I suggest that the return instead of being tabled should be circulated.

Motion put and agreed to.

## PETITIONS TO THE DAIL.

**AN CEANN COMHAIRLE:** Is it correct to say that Deputy Byrne and

[An Ceann Comhairle.]

Deputy Thrift have come to an agreement on item 6 on the Orders of the Day? If so, we could take that matter now.

**Mr. ALFRED BYRNE:** I move:

"That the Right Honourable the Lord Mayor of the City of Dublin be admitted to present petitions of the Lord Mayor and Corporation of the said city before Dáil Eireann."

I am asking the Dáil to confer upon the Dublin Corporation and the Lord Mayor of the city the same privilege that they had of presenting petitions at the Bar of the House in Westminster. Within the last ten or twelve years the Dublin Corporation, through its Lord Mayor, availed of this privilege on two occasions. One petition was presented by the then Lord Mayor, Alderman Farrell, in support of women suffrage. The other occasion was when a petition was presented on behalf of the citizens of Dublin in 1916, to protest against what was described at the time as the brutal murders in North King Street, and it was proved that British soldiers raided the house and shot occupants in their own bedrooms, and so that the crime could not be detected they buried the victims in the cellar. This matter leaked out. It was conveyed to myself, amongst others, by persons who heard the digging during the night. A visit was made to the house and it was discovered that bodies were buried there. The matter was then brought before the Dublin Corporation and, having heard the details, they decided upon availing of the right to present a petition at the Bar of the House of Commons. Sir James Gallagher was Lord Mayor at the time and he, with the officials of the Corporation, were received by the Speaker and the petition was accepted, with the result that a sworn enquiry was held into these shootings and, if I am not mistaken, a very reasonable verdict was brought in by those who held the enquiry, condemning the shootings and proving up to the hilt that certain actions had taken place which would not be allowed by any military authority in the world. I forget who held the enquiry, but I know that some time

later, following it up, Sir John Simon visited this country to enquire into the death of, amongst others, the late Mr. Sheehy Skeffington.

In view of those two important occasions in which the Corporation succeeded in getting fairly satisfactory results in consequence of their right to present a petition, I ask the Dáil to accept this Motion. Arguments have been put up to me to-day that should it be carried there is nothing to prevent every other Deputy who had an interest in a county council or urban council from asking that the chairman of such a body should receive the same privilege. With reference to that, I might say that I think it is up to every Deputy, no matter what his pride in the area he represents may be, to remember that Dublin is the capital of the Irish Free State. I am satisfied to let this matter go before the Committee, but I would ask that Committee to consider the points raised by me and to remember that on the two occasions on which the Dublin Corporation presented these Petitions it was not so popular to attack that body as it is to-day. I quite agree that we have now a Parliament that can investigate all matters, but at that time it was admitted that the Dublin Corporation did good work when they presented the Petition which resulted in the enquiry into the terrible murders in North King Street. I move the Motion.

**Mr. BAXTER:** I second the Motion.

**Professor THRIFT:** I gather from what Deputy Byrne has said that he is prepared to accept the amendment which stands in my name and therefore I do not think I need do more than to say that it seems to me to be illogical to proceed to discuss part of this question. We have now appointed a Committee on Procedure to go into such questions, and therefore I simply content myself with moving the amendment, "To delete all words after the word 'That' and to substitute therefor the words: "all questions connected with the presentation of Petitions before Dáil Eireann be referred to the Committee on Procedure and Privileges for report to the Dáil."

**The PRESIDENT:** In seconding that

I take the opportunity of stating that in connection with the first pilgrimage mentioned by Mr. Byrne I objected to the proceeding—the first occasion on which he states that the Dublin Corporation presented a Petition on behalf of Women's Suffrage. I think that the Party, of which I was a member at that time, also opposed it and I think what they said was that it was not Women's Suffrage at all but that it was certain interested women who got a particular chance of having certain advantages from the Parliament of Westminster, and we opposed this procession of the Lord Mayor's up the floor of the House. I understand he went up when the House was empty and that no notice was taken of it. The Committee on Procedure and Privileges is the proper body to regulate these matters. As far as Dublin City is concerned it has a fairly considerable representation in the Dáil—fifteen Deputies out of 150; one out of every ten—and I think what the City of Dublin may require in the future will be very well attended to by these Deputies.

If we are to allow the Dublin Corporation this privilege I am positively certain that the Postmaster-General would immediately stake a claim for Cork and that we would have every other local authority claiming the same right. To some extent that might possibly interfere with the independence of Deputies. We have recently seen an attempt by the Dublin Corporation—or certain members of it—to feature political propaganda. Certainly if that be the motion behind presenting Petitions here I will oppose it. It is not for the purpose of giving play to that kind of thing. We have no time for demonstrations of feminine excitement, and I hope we shall not have them.

Amendment put and declared passed.

Motion, as amended, put and agreed to.

## **TRANSPORT AND COMMUNICATIONS BILL, 1923.**

### **SECOND STAGE.**

**Mr. JOHNSON:** In asking the Dáil to give a Second Reading to this Bill I shall have to relate somewhat of the

intentions and go into some detail with regard to its general purposes and its needs, but I want to say right at the outset that this Bill is not presented in the expectation that when it is passed it will make any great revolutionary change, or add any great extent to the well-being of the masses of the people. Further, I want to say that it is not put forward in deference to any preconception regarding nationalisation, or State ownership, or collectivism, or anything of that kind. It is put forward in its present form in the belief that necessity compels action of this kind if the most is to be made of the nation's transport conveniences. It has been asked why there should be any attempt to press forward such a Bill as this is at this moment; why should we not leave things as they are? The answer to that is, of course, that the public, traders, agriculturists, travellers, are pressing for some action to be taken regarding the future of the railways so that they, particularly the traders, will know where they stand. They are pressing for changes, because they believe that changes would result in a reduction in rates. The railway companies, too, are uncertain of their future, and are holding up necessary development because of that uncertainty. The need for urgency was present in the minds of the Government eighteen months ago. At that time they appointed a Commission and instructed it to sit day by day, if possible, with a view to making recommendations with regard to the future of the railways. Recommendations were made, but, as announced in the Dáil, the Government were not prepared to accept them. They recognised still in January of this year the urgency of the problem, and they said that they would give the railway companies a certain period within which to bring forward their own proposals regarding consolidation, or amalgamation, or grouping, and if within that time no agreed proposals could be brought forward by the railway companies then the Government would be prepared to bring forward their own proposals. That time expired six months ago, and the necessity for action, from the public point of view, seems to be as urgent to-day as it was

[Mr. Johnson.]

then, so that I think no excuse is required to be made for presenting this Bill as an attempt to meet the case put forward by many sections of the community, regarding the railway problem particularly.

I want to lay stress at this stage upon this point, that this is not a matter of railway policy alone. It is because the railway position is so closely associated with the general economic condition of the country, and its future economic policy is so much bound up with the railway policy, that I ask the Dáil to look on this whole problem, not from the point of view of railway policy, but from the point of view of national economic policy. I think the Dáil will realise the necessity, if they are looking forward at all, for having at least a faint idea of what they propose this country should be; have some idea at least of the lines of policy on which it is intended that we should develop. We have a country to make the most of, and the question really is, what are we going to do with it? The railway policy might well be directed towards satisfying the requirements, the desires, of the railway shareholders, and the country and the Dáil may say that we have faith in the natural genius of the people, and as a State, as a Legislature, all we have to do is to stand aside and keep order and let who will, do what he wishes, in the belief and faith that by allowing everybody to do as he wishes within the law that good must certainly come. That is quite an understandable policy, and it is a view held by many Deputies, and those who hold that view will object no doubt strenuously to any proposals such as are in this Bill, but the appeal I am making is to the Dáil to set before itself at least a conception of the future, and to recognise that the transport problem is clearly bound up with any conception of the future of the country. Really we have to decide whether transport is to be subordinated to general public policy, or are we to allow those in charge and control of transport so to order and govern their affairs as detrimentally to affect national policy, provided it satisfies the desires of those in control of transport?

I think it will be admitted that railway policy may conflict with national economic betterment, and the basic question I am putting to the Dáil is whether national economic betterment should be the primary purpose of transport policy, or whether transport policy should be so directed as to satisfy the desires of those interested in the transport business, irrespective of its effect on the national well-being. To come down to a concrete illustration, it would be good railway policy, for instance, to encourage the transport of bacon through Dublin to Leicester—it is a long journey—and to bring back boots from Leicester to Limerick. It would be good national policy to limit transport, and if other things were satisfactory to direct the bacon from Limerick to Carlow, and transport boots from Carlow to Limerick. National policy would be served by the second, while railway policy would be better served by the first. I ask the Dáil to agree with this proposition, that if railway policy conflicts with national interest, railway policy must be subordinate; but speaking purely in general terms one would require to consider how best to ensure that railway policy will be subordinated to national policy. That is really the problem to be answered in the discussion on this Bill. It may be said that there are a variety of proposals before the country for consideration. It is urged by some, perhaps not very many, that the present arrangements should be continued, that there is no need to make any change, the companies will look after themselves, and incidentally the country will benefit. I think it will be generally agreed, here, at any rate, that that proposition is out of the question.

If we take merely the question of baronially guaranteed lines we are faced with a problem which must be solved, and which can only be solved, by some change. Representatives of those counties which have baronially guaranteed railways will not be satisfied to allow matters to remain as they are. The second proposition is that we should allow the absorption of selected lines by English companies. No legal change is required for that. Certainly no legal change is necessary. It can be done by Stock Exchange operations. I



do not know how many members of the Dáil there are who will agree that that will be a desirable development. Then we have the views of the Farmers' Unions as indicated by their witness before the Railway Commission—that there should be a continuation of the present ownership, that there should be no restriction upon any body of persons coming together who would like to build a new railway in competition with existing railways, and that the present railways should not be allowed to continue their monopoly but that there should be an authority set up to control rates. That, I think, is a short and fair summary of the attitude of the Farmers' Union through their spokesman, Mr. Young, of Stradbally. I do not know whether that view of railway economics is likely to be acceptable. The proposition that any group of men should be free to build a new railway anywhere and that the Legislature should not exercise any control in such a matter, whether it is largely supported in this Dáil or not, certainly would not commend itself to men of average experience in economic matters. Then we have a proposal that we should leave the railway companies to enter into voluntary amalgamation, allowing them, if they desire, to leave aside, out of the amalgamation, the non-paying companies. I do not think that that either would commend itself to the Dáil. Non-paying companies have been set up by Acts of Parliament, and, rightly or wrongly, they are part of the transport system of the country and must be considered, and I do not think that the Oireachtas would agree to voluntary amalgamations which allowed the non-paying companies to be left entirely outside. Then there is the proposition which, it is suggested, was once, at least, the policy of the Government, that there should be compulsory amalgamation. Such schemes would have to be submitted to the Oireachtas for consideration and approval, and then there is the scheme of State ownership and ultimate control. The proposal which I have put before the Dáil is, of course, the last, and it is not by any means a new proposal. It is neither revolutionary, radical, bolshevik, or anything of an abnormal nature.

It has been recommended by the most staid conservative Commissions, and no one will allege at this stage that State ownership of railways has anything of a radical or revolutionary character about it. There have been Commissions on this question of Irish railways running from 1836, 1865, 1881, 1906 and 1922, and, without exception, these Commissions have recommended State intervention of one kind or another. They have recommended changes in the administration of the railways, recommending Government action of one kind or another, and in reporting the history of railways in this country one reads the refrain, "No Government action was taken." Commission after Commission, and Inquiry after Inquiry, and still the continuous refrain, "No Government action was taken." I have a sort of notion that if Government action is not taken the railways will get into such a position in this country as detrimentally to affect the course of development. I have said that this proposal is not revolutionary, nor is it new. Even Adam Smith wrote so many years ago, "The tolls for the maintenance of a high road cannot with any safety be made the property of private persons." John Stuart Mill said: "The charge made for services which cannot be dispensed with is, in substance, quite as much compulsory taxation as if imposed by law. This applies to the case of a road, canal or railway. These are always in a great degree practical monopolies, and the Government which sets such monopolies in the hands of private companies is in much the same position as if it allowed individuals or associations to levy any taxes they chose for their benefit on all malt produced in the country, or on all cotton imported into it." The opposition to the proposal in this Bill is, in the main, an opposition to the principle of State ownership. It is, I would point out, not an opposition to the principle of State subsidies. Most of the opponents of the proposal, whether within railway circles or within mercantile circles, do not oppose, but rather suggest, the necessity for State subsidies in one form or another.

They vary in their suggestions regarding the amount of control which

[Mr. Johnson.]  
 such a substitute would carry with it, but none is consistent in taking this line that the State should neither have anything to do with railways financially nor in management. I am very doubtful whether an efficient railway system can, in this country, be provided without some form of public assistance. While I believe that is true, it is not intended in this Bill to provide for such public assistance. We are suggesting that every effort should be made within State control to provide a railway service on commercial lines without any subsidy, leaving the users of the railways to pay all the charges that are incurred in the running of the railways. Whether that will succeed or not, either under State ownership or under private ownership, is a matter for the future. I will say this though, that the State has, as a matter of fact, in Ireland, come to the assistance of privately owned railways to the extent practically of seven million pounds. Most of it, no doubt, has been refunded, but the fact remains that State assistance, to the extent of £6,873,653, a sum equal to over fourteen per cent. of the total capital of the railways, has been provided by the State. These figures are taken from the Scotter Commission Report, which Commission concluded its labours, I think, in 1910. Of course we must bear in mind in speaking of the question of the ability of railways to maintain themselves without external aid, that there was pre-war for many, many years that kind of assistance, which arose from the underpayment of the railway servants. Every witness practically, on the railway side, admits that before the war railway servants were underpaid. True, they say, they were only in line with the rest of the community. Nevertheless, the conclusion is that shareholders obtain their dividends by virtue of the fact that railways servants were underpaid.

Now let us assume that the proposal for State ownership is not accepted, and that we are bound to the principle of unification. Without public ownership it is the only practical alternative to the proposals of this Bill. I have referred to the baronially guaranteed

lines. The railway companies' view of that is expressed by the General Manager of the Midland Great Western, speaking on behalf of the companies as a whole, and not merely of his own company, that if the railway companies were to be expected to take over the baronially guaranteed lines then there must be a subsidy from the State. They also have the view that that subsidy shall not carry with it any representation on the board or any control over the management. Even the minority of the Scotter Commission advocated a State subsidy. Now, I am stressing this case, because I want you to have in mind, when you are thinking of the merits of this Bill or the principle involved, that the alternative is some form of railway organisation which involves a State subsidy. It is suggested that there might be some kind of control over the rates by means of a Rates Commission, some kind of control from outside. That is the view of the representatives of Chambers of Commerce, Farmers' Unions and the trading public generally, from all one can hear. It is urged on every hand that there must be a tribunal to determine what the rates on merchandise shall be, that a body may be set up to make representations. Rather in the language of the Scotter Commission minority they might make representations to the companies regarding the adjustment of rates. On that I would like to stress the evidence of a very high authority, Mr. Acworth, who is a member of the minority of the Scotter Commission reporting against nationalisation. He wrote in a book called "The Railways and the Traders" these words:—

"For every shilling cut by an expeditious tribunal off a rate, it is easy for the railway companies, if they are agreed to act in harmony with each other, to withdraw two shillings' worth of facilities; and the traders may make up their minds that this is what must inevitably happen if the railway companies are confronted with lower rates, simultaneously with the rapid rise of working expenses."

"Assume that your tribunal can fix a reasonable rate, what is the use

of it unless it can schedule to its judgment a minute specification of the quality of service to be given in return for the rate? The railways can bring down troops of expert witnesses. How can the tribunal refuse to hear them when every student of railway economics knows that the reasonableness of each particular rate depends not merely on its own individual circumstances, but on a comparison with all the other rates and a consideration of the company's business? But for a farmer or shopkeeper, with the assistance possibly of the local attorney, to undertake to fight trained railway experts with a lifetime's experience and with every fact and figure at their finger's ends, is only to court defeat."

The Railway Rates Tribunal, which is merely an attempt to adjust rates on merchandise, is a broken reed, entirely unfitted to secure the needs which the trading community desire. The late Chairman of the Brighton Railway Company goes so far as to declare that even successful action is futile before a Rates Commission. He says:—

"The Companies could easily retaliate, under a sense of injury, by measures which no control could prevent unless it was prepared to take on itself the entire responsibility of the detailed management of the line."

There is the classic case of the Chatterly Colliery Company:—

"Thinking they were illegally overcharged by the North Staffordshire Railway Company, they took them before the Railway Commission, proved their case and secured an order confining the railway within the legal maximum. Thereupon the railway company flatly declined to carry the traffic of the Chatterly Company. They were again taken before the Commission and at once ordered to resume the traffic, subject to a penalty of £50 a day for refusing. They complied with the letter of the order, but 'under as awkward and inconvenient circumstances for the Chatterly Company as the railway company could possibly arrange.' And Sir Alfred Hickman

declares that though, technically, the Chatterly Company won everything, they could not compel the railway company to afford them ordinary facilities such as were necessary to carry on their business, and they were obliged to compromise the matter upon worse terms than the Commissioners had allowed."

That is the experience, I think, of many traders, even in this country. I am quoting this case to show that the reliance upon the Railway Rates Commission to ensure that the traders' interests shall be safeguarded against the railway companies' attempts to make fish of one and flesh of another, in their efforts to make traffic pay, is quite unsatisfactory so far as influence on privately-owned companies is concerned. I ask the Dáil to conclude from that that the interests of the mercantile community, the manufacturing community that may come, the agricultural community, and the general travelling public cannot be secured by outside control. The logical end of that argument is that a public service, such as the railway service, should be publicly owned and controlled in the interests of the public.

I hope that every Deputy has carefully examined the provisions of the Bill and satisfied himself or herself as to where the defects, if any, lie. Some, no doubt, will say the defects lie in the principle of public ownership. Others will say that they agree with the principle of public ownership, but that the methods of control and management are not satisfactory.

Others will say that, granted the desirability of public ownership, the method of acquiring is not satisfactory to their views, or that the price to be paid is too generous or the method of fixing the price unfair. I hope that Deputies will give vent to their opinions on these various points before the Bill leaves the Dáil. In the main, I would like to say that we have taken the lead of the Minister for Agriculture in regard to the financial proposals of the Bill. We desire to be at least as fair as the Government. We acknowledge that they set us a very good example as to the method of acquisition

[Mr. Johnson.]  
and the terms of purchase and rate of interest.

**Mr. GOREY:** What about the arrears?

**Mr. JOHNSON:** Deputy Gorey reminds me that there are arrears even in connection with railway service. I may give the Deputy an assurance—if that is what he is seeking—that the arrears of payment from the County Councils to the railway companies will be completely wiped out by this Bill. Our desire in regard to finance and management of the railways under this scheme is that the railways should be run in such a way as to make the receipts cover all expenses, and to avoid the necessity for any State subvention. I hope that will be possible. I hope, no matter what be the future of the railways, it may be found unnecessary to provide a State subvention. But, as I said earlier, I am personally doubtful of the possibility of making the fullest use of railway transport without some form of State subvention. But that may be a matter of future State policy. I hope that if ever it is decided that State assistance is required, that it will be for a definite, specific purpose, and not to make up deficits. I would hope, for instance, that railway policy might be directed towards encouraging transport between points within the country, as distinct from the encouragement of transport from within the country to outside the country. That encouragement may involve eventually some form of State subsidy in the earlier stages. But that may be entailed, whether railways are nationalised or whether they remain under private ownership. I have said that we have taken the Land Act as a precedent for our financial proposals and, differing from the report of the last Railway Commission, we are not proposing to deal with individual stockholders, but rather with the companies as corporate bodies. We propose that there shall be a Railways Tribunal to fix the price, and that Railways Tribunal may be paralleled by the Land Commission. The Tribunal will value the undertaking, taking all the circumstances into account, and that Tribunal will also de-

cide how the purchase price of any company might be distributed amongst the various grades of stockholders. The intention is that the undertaking shall be valued on a net revenue-earning basis. In doing that, it will be necessary to have regard to the amount of such earnings in the past, and to take into account the possibilities of maintaining these net earnings, having regard to all the circumstances, including the demands of the trading community for lower charges and the demand of the employees of the railway companies for a reasonable livelihood. We also lay down that the maximum shall be based upon the average of the five best years in railway history—the five years preceding December 31st, 1913. I have a suspicion—almost a conviction—that no matter what Tribunal would be set up, it would be found in practice that the maximum of fifteen years' purchase of the average of those five years would be the normal, one might almost say the minimum. We propose that railway stock should be issued in exchange for the stock of the company, such railway stock to be guaranteed by the Central Fund, in addition to the earnings of the companies. The stock would carry in one case 4½ per cent. for 67 years, and 4½ per cent. for the first five years. Terminable annuity certificates will be issued, carrying, as I say, 4½ per cent. for 67 years. At the end of that time the debt will be paid. At the option of the stockholders, redeemable stock certificates, carrying 4½ per cent. for 72 years, with a quarter per cent. sinking fund for 67 years, would be issued. The financial effect of these two methods would be identical, so far as *s o'clock*. the State is concerned, and, as I have said already, it is proposed that the debt due to the companies for the arrears of baronial guarantees would be wiped out.

In regard to these financial proposals I would just like to draw attention to two or three figures. The total capital of the railways is round about £47,000,000 or so, according to the last figures I have been able to see, and for the five years preceding 1914 it may be said that the total yield of the dividend paying stock of the Irish railways was

round about £1,700,000. I have made an estimate, and I mention this to reassure certain timid Deputies who own railway stock or who have aunts or mothers-in-law who own railway stock and are afraid of the widows and the orphans, that assuming the revenue to be on the basis of, say, the year 1920, and assuming the expenditure to be on the basis of the most recent returns we have been able to find, there is ample margin not only for paying out of railway revenue all the requirements of this stock, but enough to leave at least a little for reductions in rates. The reassurance I want to convey is, that from the calculations I have been able to make, the plan we have embodied in the Bill would allow debenture holders to receive, on State guarantee, 85 per cent. of the 1913 income from debentures, and that, bear in mind, was the best year in railway history. Preference stock holders would receive, or could receive if so allocated, 75 per cent. of their 1913 income, and ordinary shareholders about 60 per cent. of the 1913 income, bearing in mind that that would be a State guaranteed income for 72 years. Now that is even better than was guaranteed to the landlords by the Bill introduced by the Minister for Agriculture and passed through the Dáil and into law, and which was generally acclaimed by the country as most satisfactory. We cannot, then, be charged with being niggardly or unfair to railway stock holders when we have done as well for them in this Bill as the Government is prepared to do for the landlords.

This Bill does more than deal with the transfer of railways from the present companies to the State. It proposes a scheme of management which, I submit, meets the requirements of the mercantile community as expressed through their witnesses before the recent Commission, and meets the requirements of the railway companies through their spokesmen in so far as they demanded something like a single control, without interference from busybodies or political activities of one kind and another. Our proposal is that the railway system should be fitted into a general transport system, a system which has to do with all the means of

communication in the country. We have suggested, but have left the details to be worked out, that a road transport system, a canal transport system, and a postal communication system should be brought under one effective ultimate Government control. We do not think, for instance, that the Post Office is the kind of service which requires a political head by itself. We conceive that the transport and communications of the country should be fitted into the general social economy, and should be finally controlled by a single Minister, but that the actual working of those various departments should be under expert guidance. That is the conception that is attempted to be applied in the Bill.

We are looking ahead, and we are asking the Dáil to think not merely for the next two or three years or five or ten years, but to lay plans for the building up of the nation, and one of the most important factors in that building up will be the means of communication and transport, and we are trying to persuade the Dáil to agree to a system which would enable all those various means to be co-ordinated under one Minister. There is just one other point of minor importance that I wish to refer to. That is the effect of this scheme upon the railways which are outside the present jurisdiction of the Saorstát. We have conceived of the railway system of Ireland as a single system, and we look forward to the time, not far ahead, when that system will be, in effect and in fact, a single system under a single head nationally controlled. We recognise the facts of the present day and we suggest that the appointed day, again following the Minister of Agriculture, for the transfer of the railways which run into the six Northern Counties should be a day to be appointed when convenient.

It is quite within the purview of the Bill that if the necessity should arise such portions of the railways as are in the area of jurisdiction of the Saorstát should be transferred. We prefer that a cutting of that kind should not take place unless it is found to be absolutely necessary, and hence we have suggested the delay of the transfer of the Northern Railways to a more

[Mr. Johnson.] convenient season. There are, of course, innumerable points that will be raised in discussion, or shall I say, that could be raised in discussion, and no doubt most of them will be; but I think that to the broad principle underlying the Bill—State purchase, control of the railways in the interest of the nation as contrasted with control of the railways in the interests of railway shareholders—the Dáil should assent and further, perhaps I would have no difficulty in persuading the Dáil that if the principle of State ownership is accepted then the principle of purchase will be accepted also. I, therefore, ask the Dáil to agree to give this Bill a Second Reading.

**Mr. DAVIN:** I beg to second the motion.

**Mr. HEWAT:** We have listened to Deputy Johnson in proposing the Second Reading of this Bill, as we always listen to him, with pleasure. As a novice in political matters, it strikes me as strange that a Bill of this public importance should be introduced as a Private Bill. I think it has been recognised generally that the particular activities of an opposition is to take advantage of the slips that come from the Government benches, and when we find Deputy Johnson and the Labour Party bringing forward a Bill of this importance it seems to me very much like as if they did not anticipate, in the near future, at all events, occupying the Government benches, and that the opinion they must have come to is that in risking their reputation in the production of this Bill they are not doing their Party very much harm. I think another consideration in this matter is this:—Whereas the Bill is brought forward by the leader of the opposition the attitude of the Government seems to be open to question. They have given us very little guidance in the matter, and it seems to me that the Government are in the happy position of looking on while the opposition exploits the proposition to find out how far it will go down with the country. That, I think, is the rather happy position the Government find themselves in. In other words they are letting

Deputy Johnson and his party pull a few chestnuts out of the fire for them, and I congratulate him upon that.

In connection with the railways we have had some experience of Government control. During the war it was considered necessary that the Government should take control of the railways, and speaking as a commercial man, I do not think the result of that experience has convinced very many traders that they are going to benefit by the change. I am not prepared at present to take up the cudgels on behalf of railway administration. It would not be politic to do so because to-morrow or the next day I may have various complaints against the railway companies. But I do say that from a trading point of view, with all their defects—and they are many no doubt—I prefer the devil I know to the devil I do not know. Any experience we have to rely upon in connection with the Government management of trading concerns is not, I think, a happy augury for the proposals of this Bill.

What are railways? It seems to me that not only in this country but in other countries railways have been made a stalking horse for all sorts of unsound propositions. What is the difference between the railways and other ordinary trading concerns? Railways have been built on a capital supplied by the shareholders to do a certain work. In an ordinary business way these people put their money into the railways with the hope and prospect of getting a return for their money. The Government are necessarily interested in the railways because of the powers which they hand over to the railway companies and consequently it is necessary for them to keep a certain amount of control as they would have a right to keep control of any form of industrial undertaking which required administration. But why glorify the railways? Why propose to nationalise the railways? Have they a monopoly? I think not. They are a means of transport; so are steamships; so are your roads; so are motors on the roads; so is the air, or, at least, it will be in the course of time. Trading concerns and trade are, no doubt, to some extent, dependent on railway traffic, but, from my point of view, I

would rather see the trading community taking a stand themselves in the matter of organisation so as to be at any moment independent of the railways, if the railways were unreasonable. There is nothing to prevent it. If the rate from here to Cork is unreasonable what is to prevent the trading community having a boat to run down by sea or putting on motors to run down by road? Personally I would rather see the trading community in the position of being able to tell the railway companies as far as the rates are concerned, that the rates were unreasonable and that they would take the matter into their own hands. What is Government control going to do for us? Is it going to reduce the rates? I think not. Is it going to better the service? I think not. What we want is not unification. We want the railways kept in a position to give us alternate routes for our traffic and—I am not saying they will do it—I hope they will take care of their own affairs.

The shareholders are the proprietors in this case. They ventured their money in the undertaking. Where railways have been a failure I think you will find that mostly they have been a failure because they have been promoted and subsidised by the Government. In connection with these baronial railways which we hear about as being non-paying, if the country and the Government wish to put up an uneconomic proposition for the good of the country, I do not think they have a right afterwards to saddle the failure on anyone else. In the same way, if a body of shareholders come forward and put money into a concern, and it is a failure, I do not think you will find many people coming in to sympathise with them to the extent of recouping them for money they put into the business. That is the main thing I want to emphasise, and that is why I object to the glorification of the railways any more than any other business or trading concern in the country. In taking

up this attitude Labour points to the fact that they were particularly interested in railways. Through the operation of political forces which they were able to manipulate, they have secured a preferential and a peculiar position for railway servants that would never have applied to this country under ordinary conditions, and that would never apply to trading concerns as a whole on purely economic grounds. That is the difficulty our railways are in at the present time—the inflation of the charges which were forced upon the railways against the recommendation of the railway managements and in spite of any representation that could be made so far as they were concerned. That is the difficulty as far as the railway companies are concerned to-day, and it is not, I think, due to anything else but the operations of a law that cannot and will not apply ultimately to this country.

Following the principles of this Bill, I think I may describe it as nationalisation of the railways mainly. If I may speak on behalf of the traders, and, I think, of the public generally, either the Labour Party or the Government will have to put forward very much more cogent reasons for the change they propose to make than they have done in this Bill, in order to get the support of the people who will have to pay the piper if the Bill came into operation.

**Mr. O'HIGGINS:** If Deputy Hewat will move the adjournment of the debate now he will have the right to speak again.

**Mr. HEWAT:** I move the adjournment of the debate.

Debate adjourned until Friday, at 2 p.m.

**Mr. O'HIGGINS:** I move the adjournment of the Dáil until 3 o'clock to-morrow.

The Dáil adjourned at 8.25 p.m.

## DÁIL EIREANN.

DÉARDAOIN, 6adh Mí NA NODLAG,

1923.

(Thursday, 6th December, 1923.)

Do chuaidh an Ceann Comhairle i gceannas ar a trí a clog.

## CEISTEANNA—QUESTIONS.

## ORAL ANSWERS.

## AUXILIARIES' DEBTS IN KILLALOE.

**PADRAIG O HOGAIN (An Clár)** asked the President if he is aware that on the withdrawal of the Auxiliaries from Killaloe consequent on the British evacuation, several merchants in that town were forced to accept on an average 50 per cent. of the debts owed to them by that Force, that they were told in these cases they should take the amount tendered or receive nothing at all, and whether there are now any means available for the recovery of these debts.

**The PRESIDENT:** I have no specific information on the matter referred to by the Deputy. I assume, however, that he refers to private debts contracted by members of the British Auxiliary Forces, in which case it is open to any merchant to take such legal proceedings as he may be advised for the recovery of amounts due to him. The Government cannot advise in private law-suits.

**Mr. HOGAN:** I did not refer to private debts, but to public debts contracted by the Auxiliary Forces.

**The PRESIDENT:** I take it that the Deputy means debts contracted in public by Auxiliary Forces. If they were contracted on behalf of the British Army or the British War Office, or the Chief Secretary at the time, I have no information on that subject; and, unless I had more information than is given in the question, I would not be

in a position to answer satisfactorily what the Deputy asks.

**Mr. HOGAN:** I will supply the particulars.

## DEPUTY RANGER OF THE CURRAGH.

**Mr. JOHN CONLAN** asked the Minister for Home Affairs whether the office of Deputy Ranger of the Curragh is a sinecure post; whether the holder of same is paid an annual salary of £300, together with a residence provided out of public funds, which residence he has been in the habit of letting to military officers; and, if so, whether, taking into account the fact that the administration of the Curragh involves a loss to the taxpayers of the country, he will direct the abolition of said office; also, if the Turf Club, a reputedly wealthy corporation, should not, in view of the advantages afforded it, contribute an adequate yearly sum towards the expense of caretaking, etc.

**MINISTER for FINANCE (Mr. E. Blythe):** The reply to the first part of the question is in the negative. The Deputy Ranger of the Curragh performs important duties in connection with the management and preservation of State rights over the Curragh lands. He is paid an annual salary of £200 per annum, without bonus. Since 1910 he has had no official residence. Consequently no question of his letting such a residence now arises. There is at the present moment no intention to abolish the office of Deputy Ranger.

By his references to the advantages enjoyed by the Turf Club, I presume the Deputy intends those rights enjoyed by the Club under leases granted in accordance with the provisions of the Curragh Act of 1868. In accordance with the terms of those leases the Turf Club pays an annual rental, for details of which I must refer the Deputy to my previous answer on the subject in reply to a question addressed to me on the 21st ultimo. The rentals are fixed by the terms of the leases and the amounts can only be altered in accordance with them.

**Mr. WOULFE:** Arising out of the Minister's answer, may I ask if the



Minister is aware that a most anomalous state of affairs exists with regard to the management of the Curragh, in that the Ranger, who is senior officer, has no control whatever over the Deputy Ranger, either as to appointment or the appointment of bailiffs, and that he is responsible for everything that the Deputy Ranger does. That, of course, is a most anomalous state of affairs, and I would like to know if the Minister will look into the matter and see that it is remedied.

**Mr. BLYTHE:** I am not aware that the state of affairs is as the Deputy suggests, but I will look into the matter and see if it is.

### REPLACEMENT OF MILITARY BY GÁRDA SÍOCHÁNA.

**Mr. DAVID HALL** asked the Minister for Home Affairs whether, in view of the fact that the military have been transferred from Oldeastle, Co. Meath, to Mullingar, he will have them replaced by the Gárda Síochána.

**MINISTER for HOME AFFAIRS (Mr. K. O'Higgins):** It is intended to station a unit of the Gárda Síochána at Oldeastle as soon as suitable accommodation can be obtained.

### UNEMPLOYMENT BENEFIT IN CO. CORK.

**TADHG O MURCHADHA** asked the Minister for Industry and Commerce whether he is aware that in Co. Cork much hardship has been caused by the delay in certifying the accounts of claimants to unemployment benefit, and if he will state what are the arrangements at Headquarters of the Ministry for the certification of such accounts.

**MINISTER for AGRICULTURE (Mr. P. Hogan), replying for Minister for Industry and Commerce:** It is a fact that in some of the Employment Exchanges a few weeks' delay in dealing with claims occurred at the beginning of the new Benefit Year on October 17th last, when, in accordance with the provisions of the Unemployment Insurance Act, 1923, the accounts of every individual insured contributor

had to be balanced so as to ascertain the number of contributions to his credit upon which his rights to benefit depend. Some delay, therefore, was inevitable, but the work was completed in three weeks.

**Mr. MURPHY:** Arising out of that answer, is the Minister aware that many claims lodged on the 17th October are not yet to hand, and will he take steps to expedite the settlement or certification of them?

**Mr. HOGAN:** I will bring to the Minister's notice what the Deputy says.

### BARYTES MINES (CLONAKILTY).

**TADHG O MURCHADHA** asked the Minister for Industry and Commerce whether he is aware that the Duneen Bay Barytes Mines (Clonakilty, Co. Cork), owned by the Cookson Barytes Co., Ltd., closed down early in 1922, that thereby over one hundred hands were unemployed, that the Company has no intention of re-opening, and that it now proposes to dispose of its plant; whether all the late employees of the Company are now practically destitute through being deprived of Unemployment Benefit under Section 8 (4) of the Unemployment Insurance Act, 1920, and, if so, what steps, if any the Ministry intend to take to ensure that the plant is not sold to persons other than those who are willing to use the plant for working the mine as heretofore.

**Mr. HOGAN (for Minister for Industry and Commerce):** The Minister has no power to prevent the disposal of its plant by this Company in whatever way it may be advised, but is communicating with the Company on the matter.

### HIRAGE OF A MOTOR CAR.

**Mr. DAVID HALL** asked the Minister for Defence whether a claim for the hirage of a motor car has been received from Mr. John Malone, Railway Street, Navan; whether Sergeant Nicholas Harman, National Army, requisitioned the said car in July, 1922, and that it was not returned to Mr.

[Mr. David Hall.]  
Malone until December, 1922; whether Mr. Malone supplied and paid a driver for said car in July and August, 1922, and again on the 28th of January, 1923; whether the claim of Mr. Malone was certified by Captain McCann, Trim Barracks, and Sergeant Harman, Navan Barracks, and whether in view of the fact that this account of £95 is a long outstanding one, payment will be expedited.

**MINISTER for FISHERIES (Mr. F. Lynch), for Minister for Defence:** Mr. Malone's claim has been received and is being dealt with. Its consideration is being expedited.

### **KERRY TRADER'S CLAIM.**

**Captain WILLIAM A. REDMOND** asked the Minister for Defence if the business premises belonging to Denis McMahon, 15 Ballymullin Place, Tralee, Co. Kerry, was entered by the Military on the 27th May, 1923; whether a claim has been lodged in regard to it, and, if so, when this claim will be paid.

**Mr. LYNCH (for Minister for Defence):** Nothing is known at Headquarters regarding the matter of Mr. McMahon's premises, and no claim in connection with it can be traced.

### **ROAD ADMINISTRATION IN CAVAN.**

**PADRAIG BAXTER** asked the Minister for Local Government if he will consider the advisability of holding a sworn inquiry into the road administration in Cavan, so that the responsibility for the present dangerous condition of the roads in that county may be fixed on the proper people; whether, pending the holding of such inquiry, the Local Government Ministry will take some action to see that the more dangerous of the main roads are so improved as to make them safe for traffic.

**MINISTER for LOCAL GOVERNMENT (Mr. Burke):** The duty of maintaining the roads in Cavan County devolves on the County Council, subject to the proposals put forward by

the Rural District Councils. If any particular road is in a dangerous condition, representations should be made to the County Council. I have called for a special report on the condition of the roads in the county and will consider what action is necessary and whether a sworn inquiry should be held.

**Mr. BAXTER:** Am I to understand from the Minister's answer that he is sending somebody down there from his Department, or is he asking for a report from somebody in the County Cavan?

**Mr. BURKE:** If we find it necessary we will send down an Inspector.

**Mr. JOHNSON:** Will the Minister arrange that the Inspector is sent down in a motor car so as to test the roads?

### **PAYMENT OF CO. MAYO ELECTION OFFICIALS.**

**Captain REDMOND** asked the Minister for Local Government whether the Presiding Officers, Poll Clerks, and those engaged in the counting of votes at the recent Parliamentary Election of the County Mayo, have been yet paid; and, if not, whether he will have them paid without further delay.

**Mr. BLYTHE:** I have been asked by the Minister for Local Government to answer this question.

No vouchers have yet been received from the Returning Officer showing that the services indicated have not yet been paid for, but advances have been made by the Ministry of Finance to him which should be ample to enable him to pay to the officials mentioned their fees, which are fixed by a prescribed scale. I am having inquiries made in the matter.

### **FIDDOWN BRIDGE.**

**Captain WILLIAM A. REDMOND** asked the Minister for Local Government whether the loss of use of the bridge at Fiddown is very severely felt, as there is a great deal of traffic between the counties of Kilkenny and Waterford, and there is no bridge

available over the River Suir between Waterford and Carrick-on-Suir for a distance of over twenty miles, and when it is proposed to start re-construction of this bridge, which is badly wanted and would give a good deal of employment.

**Mr. BURKE:** The reconstruction of railway bridges is not a matter which comes within the functions of the Ministry of Local Government. Some representations on the matter have been received, and the Ministry of Industry and Commerce have been asked to communicate with the Railway Company and to point out to them the urgency of carrying out the work. The Deputy will be informed of the result.

**Mr. GOREY:** Arising out of that answer, may I ask the Minister whether he is aware that this is not a railway bridge at all? It is a bridge across a river.

**Mr. BURKE:** It is a bridge that was put up by the Railway Company in consideration of getting the concession of changing the railway from one side of the river to the other.

**Captain REDMOND:** It is not a question of who erected the bridge. Is the Minister aware that this is a passenger bridge, and may I suggest, with all due respect, that it is? I would like to know what steps are being taken for the restoration of traffic across it.

**Mr. BURKE:** This bridge was put up by the Railway Company and maintained by the Railway Company, and I assume that they are responsible for remedying any damage.

**Captain REDMOND:** Is it not proposed that the Local Government Department should take any steps in regard to this matter?

**Mr. BURKE:** We have taken the steps I have mentioned.

**Mr. DARRELL FIGGIS:** But if the Railway Company does not replace the damage done, surely the Local Government Department has powers to see that the bridge is put into immediate repair by the people responsible for it—by whom will these powers be exercised?

**Mr. BURKE:** When they refuse, that question will arise.

**Captain REDMOND:** Will the Local Government Department make representations to the Railway Company to see if they will replace the bridge?

**Mr. BURKE:** We have done so, through the Ministry of Industry and Commerce. I answered that at first.

## WRITTEN ANSWERS.

### CO. CORK ARMY ACCOUNT.

**TADHG O MURCHADHA** asked the Minister for Defence if he can state when Mr. Thomas J. Beamish, of Drumleague, Co. Cork, might expect payment of an Army account amounting to £316 odd.

**MINISTER for DEFENCE (General Mulcahy):** Accounts amounting to £308 16s. 5d. have been received from Mr. Beamish, and payments in respect of them have been made as follows:—

£145	6	11	on the 15th June, 1923.
78	2	0	„ 12th Oct., 1923.
44	7	8	„ 5th Dec., 1923.

The remainder (£40 19s. 10d.) has been disallowed.

### RENT OF CLARE BARRACKS.

**Mr. CONNOR HOGAN** asked the Minister for Finance if payment of rent accruing for over a year in respect of the Gárda Síochána Barracks, Killee, Co. Clare, will be expedited to the owner of the premises.

**Mr. BLYTHE:** The question of the rent payable for the accommodation provided in this case is at present being investigated, and it is expected that a decision will shortly be reached and payment of the rent due, at the rate as settled, will be made.

### CLARE COMPENSATION AWARD.

**PADRAIG O HOGAIN** asked the Minister for Finance whether any compensation award has yet been made in respect of the late Patrick Morrissey, Lysaght's Lane, Ennis, who was killed

[Padraig O hOgain.]  
by Black and Tans on June 24th, 1921, at Ennis; and whether, in view of the circumstances of the parents of the deceased, the matter will now receive immediate attention.

**Mr. BLYTHE:** This claim is already receiving attention, and there will be no avoidable delay in reaching a decision.

### QUESTION ON THE ADJOURNMENT.

**Mr. CORISH:** I beg to give notice that I intend to raise on the motion for the adjournment the effects of the Unemployment Insurance on unemployed people in the Free State.

### CANAL COMMISSION'S REPORT.

**Mr. DARRELL FIGGIS:** I desire to draw attention to a question that I raised yesterday with regard to the report of the Canal Commission, which we were informed was available in the Reading Room for Deputies. The Report is not there now; presumably someone has taken it, seeing that it was put there. In any case, I would ask that another copy would be put in the Reading Room so that Deputies might have access to it.

### FOOT AND MOUTH DISEASE.

**Mr. GOREY:** I desire to give notice that I intend to raise on the motion for the adjournment a question as to the precautions taken to prevent foot and mouth disease entering the country and as to the enforcement of these precautions, and also as to the treatment and detention of our live stock at the ports.

**AN CEANN COMHAIRLE:** It has been the practice to allow only one matter to be raised on the adjournment, and Deputy Corish has already given notice. Deputy Gorey must postpone his question until to-morrow.

**Mr. WILSON:** The question is one of urgent public importance.

**AN CEANN COMHAIRLE:** Deputy Gorey stated that he intended to raise a question on the motion for the ad-

journment, but not as a matter of urgent public importance. We must take the matter as stated by the Deputy who raised it.

**Mr. GOREY:** It was as a matter of public importance that I raised it.

**Mr. WILSON:** I desire to raise this as a matter of urgent public importance, and I ask twelve Deputies to rise and support me in my demand.

**AN CEANN COMHAIRLE:** If I had been given any notice that a matter of urgent public importance was to be raised, I would have been able to decide whether it was urgent and of public importance. Deputy Gorey cannot raise this matter on the motion for the adjournment to-day, and it would not appear to be a matter of urgent public importance in so far as it was not raised as such.

### ORDER OF BUSINESS.

**AN CEANN COMHAIRLE:** Progress was reported in Committee yesterday on the Ministers and Secretaries Bill. It, therefore, arises to-day before we take up the business on the Order Paper, I presume?

**The PRESIDENT:** I would be prepared to give away to Number 3 on the Order Paper, the Local Authorities Indemnity Bill, as I understand from the Minister in charge of that measure that it is urgent.

**AN CEANN COMHAIRLE:** Very well, we will take the Order Paper as it is printed.

### INTERPRETATION BILL—NOMINATION OF SPECIAL COMMITTEE.

**Mr. HUGHES:** The Sessional Committee of Selection to nominate Deputies to serve on a special Committee to consider the Interpretation Bill, 1923, met to-day and made the following selection of Deputies to act on the Special Committee to consider this Bill—Deputies Magennis, McGilligan, Dugan, Kennedy, Woulfe, Egan, Thrift, Figgis, Johnson, P. Hogan (Clare), Conlan, and Heffernan, with An Leas-Cheann Comhairle as Chairman. The

Committee suggest that the quorum of the Special Committee should be fixed at seven, and that the date for reporting back should be not later than Wednesday, 19th instant. The first meeting of the Special Committee to be fixed for Wednesday, the 12th instant, at 11 a.m.

I move the adoption of the Report.

**Mr. C. M. BYRNE:** I second the motion.

Report adopted.

**AN CEANN COMHAIRLE:** If the Committee meets on Wednesday, the 12th instant, at 11 a.m., amendments will have to be handed in before noon on Saturday.

#### **DAIL LOAN AND FUNDS BILL, 1923—SECOND STAGE.**

**Mr. GOREY:** Before this Bill is taken up, I desire to protest against the method by which it is brought before the Dáil.

**AN CEANN COMHAIRLE:** What is the Deputy's complaint?

**Mr. GOREY:** My complaint is that sufficient notice was not given of this Bill. I understand that copies of it were not sent out until last night, and that some Deputies have not yet received a copy of the Bill. Only a short time ago I was handed a copy of it, and I desire to protest against such unbusinesslike methods and procedure.

**MINISTER for FINANCE (Mr. Blythe):** I was not aware that the Bill had not been circulated. I have no desire to rush the Bill, and Deputy Gorey need not get heated about the matter. I am quite ready to have consideration of the Bill postponed.

**Mr. GOREY:** I do not object to the Bill, but I object to the procedure adopted in having copies of it circulated.

**AN CEANN COMHAIRLE:** The Bill was read a first time, and the Second Stage was ordered for to-day. The Bill was sent out from the office, when it was received, at the very earliest possible moment. The difficulty is,

reading a Bill a first time without having the Bill itself in complete form ready for circulation. I take it that the Second Stage of the Bill is now postponed?

**Mr. GOREY:** I do not ask for its postponement. What I object to is the procedure adopted.

**Mr. BLYTHE:** I think it is better to have consideration of the Bill postponed for a week, as some Deputies do not appear to have received copies of it.

Bill ordered for Second Reading on Thursday, 13th December.

#### **DAIL IN COMMITTEE.**

#### **LOCAL AUTHORITIES (INDEMNITY) BILL, 1923—THIRD STAGE.**

Sections 1, 2, 3, and 4 agreed to.

#### **TITLE.**

Ordered that the title of the Bill be:—"An Act to establish the validity of certain acts done and omissions made by Local Authorities during the period between the 31st day of March, 1920, and the 6th day of December, 1922."

Bill ordered to be reported without amendments.

#### **DAIL RESUMES.**

Bill reported.

**Mr. BURKE:** I should like to get the remaining stages of the Bill now, as it would be well to get it through before the Christmas holidays if possible, as many important matters may arise on it.

**AN CEANN COMHAIRLE:** Is there any objection to taking the remaining stages to-day?

**DEPUTIES:** "Agreed."

**Mr. DARRELL FIGGIS:** May I suggest it would be desirable that in adopting this course, if not to-day, at any rate in the future, that the formality of moving the suspension of Standing Orders be complied with. The question may arise some day or another,

**AN CEANN COMHAIRLE:** I am taking the attitude that if objection comes from any single Deputy the remaining stages cannot be taken. Unanimous consent is required.

There being no objection, the Standing Orders are suspended to enable the Minister to move the motion for the Fourth Stage.

**Mr. BURKE:** I move that the Bill be now taken for final consideration.

**MINISTER for HOME AFFAIRS (Mr. O'Higgins):** I beg to second.

**Mr. CORISH:** May I ask, at this stage, if the Minister has yet considered the question raised by me: that is the question of the Local Authorities being responsible for the Superannuation of Rate Collectors who refused to do what they were told to do by the Local Authorities in the year 1920. The President is here and perhaps he could enlighten the Dáil on that matter. On the last occasion that I spoke on this matter I told the Dáil that this cost the County Council of Wexford 3d. in the £. I found I made a great mistake, because it cost them 9d. in the £, and as this is a national matter—I do not want to keep these people out of anything they are entitled to in law—and as the Council acted on the express directions given by the Government of the time, which was recognised by the Wexford County Council, the present Government, I think, ought to be responsible for the superannuation of these men.

**Mr. BURKE:** Before I could give a final decision on this matter, I should have all the evidence before me. On the fact stated by the Deputy, I am very sympathetically inclined towards this attitude, and I intend to bring the matter before the Minister for Finance. It is not altogether in my hands.

**Mr. CORISH:** I want to know will this Bill give the Minister power to act?

**Mr. BURKE:** I understand this matter has been the subject of arbitration, and that will complicate the situation, and I do not know exactly what effect it will have.

**Captain REDMOND:** Am I to understand from the Minister's reply to Deputy Corish that he does not in any way propose to deprive these Rate Collectors of the decision already come to, and that he does not intend to deprive them of the rights which follow upon the decision which has already been given by this Arbitration Court, but rather that it is a question as to the source from which they shall receive it—whether it shall be from the County Council or from the Government?

**The PRESIDENT:** The question was where the compensation was to come from, and I understand Deputy Corish's claim is that the Local Authorities should be relieved from all liability with regard to this. There are two sides, I think, to this question. First of all the Local Authority got service from these officers, in some cases over a great number of years, and it has a certain contingent liability for the services that had been rendered during that time, and the only case the Deputy can possibly make is whether or not, in view of the special circumstances of the times, it should make up the difference between the normal moral liability of the Local Authority and that which was imposed upon the Local Authority by reason of certain action having been dictated from Headquarters. In reviewing that particular aspect of the situation it ought to be borne in mind that Local Authorities generally were faced with bankruptcy, were it not for the action of the Government of the day—Dáil Eireann—advising and directing that certain action should be taken by the Local Authorities, and by reason of the action taken the Local Authorities have not sustained one farthing of a loss during the whole of that war period. Whoever else lost, and many lost money and property, the Local Authorities lost nothing, and supposing this was a slightly unfair impost to ask from them now, I say it is an impost for which they have been very well safeguarded, and for which their interests were at no time in jeopardy.

Looking at the matter entirely from the point of view of the State, what has happened? Something like, I sup-

pose, ten million pounds' worth of damage was done. In the ordinary way that damage would have been a State loss, but through the action of the State Government which directed Local Authorities to take these actions and through the negotiations which this Government undertook with the British Government, not alone were Local Authorities reimbursed in respect of the grants that had been withheld, but also liability was undertaken by the British Government for the damage inflicted on the country, and generally speaking, looking over the awards that have been made and the amounts that have been paid by the British on the one side, and by the Irish Government on the other, their proportion of it is in the ratio of 2 to 1. That is to say, that out of every three pounds' worth of damage done, we are liable for one pound, and the British Government for two pounds. I think, in view of that fact, that for two years, or possibly three years, no Local Authority was called upon to pay any contribution towards criminal and malicious injuries, and no Local Authority during that period lost a single sixpence. I think, therefore, that this claim on behalf of Local Authorities is not made with a good grace, and I think that on reflection the Deputy will not press it.

**Mr. CORISH:** What the President has said is all very well, but I think he will admit that a special rate of ninepence in the pound, imposed by a Local Authority on the ratepayers of a county at a time when they are put to the very pin of their collar to make ends meet, is a very big impost. The people in the County Wexford expect, in view of the fact that the Irish Government at the time issued these orders, that the Government at least should bear their share of the cost. I want to know at this stage if the Government is prepared to receive representations from the Wexford Co. Council in connection with this matter. What I want to know is if the Government is taking power under this Bill which will enable it to consider representations in connection with this very important matter. I do not think that is an unreasonable request to make.

**Mr. BLYTHE:** I could undertake to receive representations, but, as Deputy Figgis says, it must be without prejudice.

**Captain REDMOND:** As far as I am concerned I do not quarrel with Deputy Corish's request. What I would like to get a perfectly clear answer about is this, whether it is the intention of the Government to deprive these Rate Collectors of the rights they have received as a result of the decision of this Arbitration Court? That is my concern.

**The PRESIDENT:** As far as that question is concerned, the Government has no intention now, or at any time, of contravening the law.

**Mr. CORISH:** On a point of explanation, I desire to make this clear: That not now, or at any other time, have I approached this question from the point of view of doing these people out of anything they are entitled to. It is the source from which the superannuation is to come that I am principally concerned with.

Question: "That the Bill be received for final consideration," put and agreed to.

**Mr. BURKE:** I move that the Bill do now pass.

Agreed.

Ordered—That the Bill be sent to the Seanad.

## DAIL IN COMMITTEE.

### MINISTERS AND SECRETARIES BILL—THIRD STAGE (RESUMED).

**AN CEANN COMHAIRLE:** Progress was reported last evening during debate on Amendment No. 10 (Mr. Darrell Figgis) to delete paragraph viii. of Clause I.

**Mr. GOREY:** We are all acquainted with the phrase, "There's a bee in his bonnet." It strikes me in the case of Deputy Figgis he has a fish in his bonnet, and judging by the number of times that this matter has been brought up here by him it is not a very fresh fish at the moment. Now, the question

[Mr. Gorey.]

of economy in this case resolves itself into how many men can we spare? How much money can we spare? Provided you abolish the Ministry and hand it over to another Department, that Department will have to be staffed as efficiently and fully as if there was no Minister. It means that all you can spare is the Minister's salary, minus what you pay to the head of the other Department, and how much economy in pounds Deputy Figgis proposes to save to the tax-payer is what I would like to know. It would also be very important information for the Dáil. There is no field of labour in any of the Ministries so undeveloped or that needs attention so much as this question of inland and sea fisheries. The whole matter has to be built up. Scarcely anything has been done in the past. This whole Ministry and industry have to be developed, and there is nothing in the Saorstát that requires more attention and more initiative, and I will also say that more requires funds at its disposal. The only fault I have to find with the Ministry is that the Government do not propose to place enough money at its disposal to develop the inland and sea fisheries as they should be developed. Money can be found for every other thing; money can be found for salaries and for every other matter; but when it is a question of national development of this description we are told that money cannot be found. That is, I think, a very mistaken attitude on behalf of the Minister for Finance and the Government, because this is one of the cases crying out for development, and I hope in connection with it that the Executive Council will seriously consider the advisability of putting enough funds at the disposal of the Minister for Fisheries to develop this industry as it should be developed. Money, as I said, can be found for everything else. Everybody drawing his salary gets his cheque and there is no question of money being found for all these things. I, and the party with which I am associated, are prepared to begin with ourselves if nothing else can be done to try and finance this Ministry, and we are prepared and will pro-

pose a cut of 10 per cent. in the salaries of members of the Oireachtas. I hope that will be approved by Deputy O'Connell who is rather interested in these 10 per cent. cuts.

**Mr. DARRELL FIGGIS:** I would like to say one or two things. I would like to note the conversion that has already been effected in Deputy Gorey. He who, in the first instance, was the bell-wether of the flock has now changed, and he believes that the post that he has advocated the elimination of earlier should be maintained.

**Mr. GOREY:** On a point of personal explanation, I think the Deputy is making a great mistake. I consistently advocated the continuance of this particular Minister, and I refer him to the records.

**Mr. DARRELL FIGGIS:** If I am wrong I am very sorry, but my recollection was as I stated. The Minister for Agriculture yesterday laboured a point that was not quite so candid as it might have been. He stated that this Bill was establishing—he used the very word “establishing”—a Department of Fisheries, not a Ministry. The Bill, of course, does nothing whatever of the kind. He went further and said that it established a Department of Fisheries with a view to future development in six or seven years' time. The Bill does nothing of the kind. The Department of Fisheries that exists to-day—although this Bill is not enacted—is substantially the same Department as was taken over from the earlier British regime, when it was worked in connection with the Department of Agriculture. I would like to say that when I urged that the Department as a separate Ministry—not as a separate Department—should be merged with some other Ministry and should be merged under the actual provisions of this Bill, I did so because it had been made evident to this Dáil at an earlier stage that the money would not be available for pressing forward reconstructive schemes, including the reconstruction of the national fisheries in the manner which that reconstruction will very clearly require. The Ministry argued against it. They will retain the Ministry. Very well, be it



so. Then I hope that the alternative which they have accepted is an alternative which they will prosecute as it ought to be prosecuted. If that be the effect that will be achieved no one will be more delighted than I will be to see the Department of Fisheries remain not only a separate Department, but carrying its own Minister in this Dáil, if money will be put into that Ministry sufficient to make it a really live Ministry. I do believe that such money will be a very profitable expenditure for this State and people. I did only argue for the elimination of this separate Ministry and for the merging of this Department with other Departments on the supposition that money would not be available.

If the separate Ministry be maintained, then I say that it is the responsibility for the Minister for Fisheries, according to the provisions of the Constitution, whether the Executive Council likes it or whether the Executive Council does not like it, to come down here with proposals to this Dáil and ask this Dáil to approve of those proposals, and then let it be put up to the Minister for Finance to accept those proposals by which this Ministry will be made a live Ministry in future, as it has not been a live Ministry while it existed already. That is an alternative. There are two alternatives. I had only taken the first, because I thought that was the alternative that the Ministry most favoured. They are opposed to it. I willingly accept their decision in the matter. I only indicate that their decision does place upon them certain responsibilities, which I hope they will accept. There is at the present moment very considerable hardship throughout the entire fishery population. In every constituency with a sea-board, people want not only material with which to conduct their industry, but even if that material were provided—as it is not within their means to provide it themselves, as they are dependent upon State funds, State loans and State allowances to do it, and as these loans, allowances and funds have been available in the past—they would still be in the same position that they are now. The fundamental requirement of this industry is the opening up of proper

markets. The opening up of proper markets takes money. If this Ministry is going to be retained, if this proposed amendment of mine be defeated, I shall not be at all sorry; I shall be glad. But I do say that in that case the Minister—not the Ministry, because we are dealing with an individual Minister here who has no responsibility whatever to the Executive Council, but is directly responsible to this Dáil—will have the responsibility placed upon him to bring before this Dáil some definite reconstructive scheme, and to ask this Dáil to let him put it through in order that the responsibility may then be placed upon the Minister for Finance to make good the schemes which this Dáil has approved, so that the Ministry as a separate Ministry may be a live Ministry.

**Mr. O'DOHERTY:** I think Deputy Figgis has given proof of his interest in fisheries, because I find on inquiry that the report of the Commission which he presided over was most important and informative. It has been necessary for me during the last month to look deeply into this fishing question, as a large portion of the constituency which I represent is interested in the matter.

There is no doubt whatever of the grave distress that exists amongst the fishing community, and there is no doubt that the present system of conducting the fishing industry must be radically altered. It seems to me that the arguments of Deputy Figgis have defeated the purpose of his amendment. The amendment objects to the appointment of a Minister, but the ground he set forth was that he would not object to a Minister, if funds were placed at his disposal. I think if the Dáil came to the conclusion that the fishing industry should be taken up as a national one, and its possibilities thoroughly developed—and there is no doubt that it can be done—no Government, no matter how parsimonious, would refuse to provide the necessary funds. I have had some relations with the Minister for Fisheries in connection with my constituency, and I must say, speaking from actual knowledge, that I found him willing to give his assistance, which was most valuable. If this Department

[Mr. O'Doherty.]

is developed in the direction that Deputy Figgis indicated, by providing the funds, the necessity for a Minister will be so apparent that the Dáil cannot but agree. I have, therefore, much as I value Deputy Figgis's remarks on the fishery question, to side against his amendment.

**Mr. O'MAHONY:** Deputy Figgis has conceded the necessity for such a Ministry. His complaint is that under existing conditions the Ministry is not as efficient as it ought to be. I think nearly all of us will agree with him in that respect, but we have to walk before we run. The Minister for Agriculture made it clear that the present purpose of the Ministry is to complete the machinery that will enable it to take effective action in the near future for developing fishing as it ought to be developed so as to make it a big national industry. Deputy Figgis in his remarks last evening admitted that in the course of a couple of years, even if the Ministry were merged into one of the other Departments, the necessity would arise of having a separate Ministry. Why not concede that that position exists at present, and that it is of such vast importance to the people that, from the very outset, it ought to function as a separate and independent Department, concentrating all its energies and knowledge and tabulating everything with a view to development? That is possible, and only possible when it is worked as an absolutely independent Department. The internal fisheries and the external fisheries of Ireland have a big future before them. I submit that we should more readily realise the vast possibilities of this Department by working it as it has been worked, as an independent unit, concentrating all its energies on that work alone. Everybody knows that a good deal of attention will have to be paid immediately to the internal fisheries of Ireland, as owing to the way in which the poacher has been dominant for the last few years there are hardly any fish left in the rivers or lakes. To my mind, the Deputy was himself the most eloquent advocate in opposition to the amendment. He has admitted the necessity, in the near future, of having a sepa-

rate Department functioning for this particular purpose. That future will be rendered nearer by having the Department in being, not controlled as a sectional Department of another Ministry, but devoting all its energies and powers to the development of what I believe will, in the near future, be one of the chief sources, not alone of employment, but of income to the State.

**MINISTER for FINANCE (Mr. Blythe):** After the speech of Deputy Figgis I do not think it is necessary to say much in opposition to the amendment. There has always been a fishery service of a sort. We had until recently a fisheries section or Department attached to the Congested Districts Board and a fishery section attached to the Department of Agriculture. It is undoubtedly desirable and necessary, now that the Congested Districts Board has gone, and that the Department of Agriculture has been divided, that the particular branches of administration dealing with fisheries should be joined together. I believe that the hopes some people have of the ease with which the fisheries of Ireland can be developed are too rosy. Undoubtedly the whole question is one of immense importance. In a country like this, to simply put fisheries in the background, as an unnamed section of some Department dealing with either agriculture or industries, is not, I think, giving to such a question the attention that it ought to get. I believe that there can be very little serious opposition to having some department of administration charged solely with the developing and safeguarding of the Irish fishing industry. If that is so there is very little to be said with regard to the amendment, because the Bill, as it stands, does not necessitate the appointment or the continuance of a Minister for Fisheries. It simply provides for the establishment of a Department of Fisheries. If it were thought desirable it would be quite possible, under the Bill, to give that Department of Fisheries to some Minister who also had another Department, and to appoint, if it were thought desirable, a Parliamentary Secretary to take charge of the Department of Fisheries. It seems to me to be beyond doubt that little

attention has been given to the matter of fisheries in the past. The *4 o'clock*. Fisheries sections in the Department and in the Congested Districts Board were the Cinderellas. Very little attention has really been given to the possibilities and the needs of the fishing industry and, to my mind, now more than at any other time is it desirable to have a Minister solely charged with the consideration of what can be done, and with the formulation of proposals for the development of fisheries. The fact that there will be great financial stringency this year and next year is not an argument against that. We have got over the great difficulties that caused our present financial situation. I have no doubt at all that after a year or two we will have a steadily improving financial situation. If at that time money is available, and you have a Minister who has been giving attention to the whole question of the needs of the industry, putting forward its claims and making a good case, you will have the likelihood that what could and ought to be done for the development of the fisheries will be done. If, on the other hand, you keep the matter of fisheries in the background, then even when we get to the state when a good deal of money might be available, nothing would be likely to be done and no considerable result achieved for a long time.

I do not think that the Minister could do all that Deputy Figgis suggested he ought to do. If we are to have a Minister for Fisheries, at least he could see that there is no neglect, and that is a very important matter. He can see that this matter is kept in the forefront, and he will be expected to do so. It will be expected that something will be done, and it will be expected that some consideration will be given to fisheries. It will be expected that the money available will be well spent if we have this Department and a Minister in charge of it. If, on the other hand, you put it into the background, as in the past, you will probably spend the same money as before. It will probably be spent almost anyhow, because the Minister for Agriculture will not have the time or the energy to give

very close guidance to policy in the matter of fisheries. If you were to give the matter to the Minister for Industry and Commerce, he would not have the time nor the energy to give very much consideration to it. If there was actually a line of policy in operation; if a big expenditure was going on; if there were schemes carried through and in operation for a considerable time, it is easier to assume that work would be much better done under some other Minister, such as the Minister for Agriculture, than it would be at present when we are at the beginning and the work has to be done, when we really have to consider the whole matter from the foundations, because I do think that heretofore there has been no thinking-out of the matter and no formulation of a sound plan that would bear criticism. In the old days Dáil Éireann plunged into some fishery developments as the result of adopting popular notions at the time, and the results were disastrous indeed. It simply resulted in the complete loss of a considerable sum of money, and it convinced me that this needed far more attention than it had received. Probably the Deputy who proposed the amendment had in mind that the Bill as it stands necessitates for all time the having of a Minister for Fisheries, or that it necessitates having a Ministry of Fisheries at any time. It does not, and the question of whether we should have a Minister for Fisheries or not is one that can be considered and decided on at some other time. The real thing that the Bill proposes is to have a separate Department of Fisheries, and I think that there can be no doubt that we should have such a Department, standing on its own feet and open to criticism, dealing with fisheries, and not simply some obscure branch of a bigger department. I do not think much argument is required against the amendment.

**Mr. ALTON:** I do not think that it requires much penetration to see that a Department of Fisheries is necessary. It is a Department likely to be of increasing importance, and now is the time to establish it. So far am I from curtailing the responsibilities of the Department that I would like to suggest

[Mr. Alton.]

to the Minister that he might enlarge its functions, and as we have gone out of our way to put under the surveillance of this Department, the matter of rural industries, I think we should also put under it the administration of the smaller harbours. The well-being of the fisheries is so intimately connected with the provision and upkeep of these harbours that I think that some day it will be absolutely necessary for the Minister, or whoever is in charge of this Department, to have control over the harbours. As far as I know—the question has always been a very vexed one—our small harbours are sometimes under the control of several bodies, and there seems to be no central body to determine what repairs shall be done or how much money shall be expended on them, and to determine the claims of rival harbours that are perhaps only twenty miles apart. I would suggest to the Ministry that they should enlarge the scope of this Department so as to include the smaller harbours.

**Mr. DARRELL FIGGIS:** I would like to ask permission to withdraw the amendment. I do so because it has achieved much of the purpose I sought in putting it down.

**AN CEANN COMHAIRLE:** Is the Deputy going to make another speech on the amendment?

**Mr. DARRELL FIGGIS:** I just want to state what the purpose is, and I will do so in three sentences.

**AN CEANN COMHAIRLE:** The Deputy has made three speeches on the amendment, and I think that is really all he can be allowed to make. If we are to go beyond that number we are lost.

Amendment, by leave, withdrawn.

Amendments 11 (Mr. Davin) and 12 (Mr. P. Hogan, Clare) not moved.

**AN CEANN COMHAIRLE:** Amendments 13 and 14 are precisely the same. They aim at the deletion of the words at the end of paragraph IX.—“and shall be assisted by Council for Defence as hereinafter provided.” I would like to point out that there are motions

down to delete Section 8 which provides for the Council, and a discussion on amendment 13 or 14 gives us a double discussion on the same thing. The effective discussion would take place on Section 8, I think.

**Mr. DARRELL FIGGIS:** I was aware of the point you mentioned. In putting amendment 13 down, my only intention was to draw attention to the fact that passing these words will not prejudice any objection one may want to raise when the actual Section comes under discussion.

**AN CEANN COMHAIRLE:** No, it will not.

Amendments 13 (Mr. Darrell Figgis) and 14 (Mr. Davin) not moved.

**Mr. DARRELL FIGGIS:** Amendment No. 15 is involved in amendment No. 1, which has been discussed and decided.

Amendment not moved.

Question: “That Section 1 stand part of the Bill,” put and agreed to.

## SECTION 2.

(1.) Each of the Ministers, heads of the respective Departments of State mentioned in Section 1 of this Act, shall be a corporation sole under his style or name aforesaid (which may be lawfully expressed with equal validity and effect whether in the Irish Language or in its English equivalent as set out in the preceding section), and shall have perpetual succession and an official seal (which shall be officially and judicially noticed), and may sue and (subject to the fiat of the Attorney-General having been in each case first granted) be sued under his style or name aforesaid, and may acquire and hold land for the purposes of the functions; powers or duties of the Department of State of which he is head or of any branch thereof.

(2.) The Executive Council shall on the recommendation of the Minister appoint the principal officer of each of the said Departments and each of the said Ministers may appoint such other officers and servants

to serve in the Department of which he is the head, as such Minister may, with the sanction of the Minister for Finance, determine.

(3.) The terms and conditions of appointment of all officers and servants appointed by any Minister shall be prescribed by the Minister for Finance and there shall be paid out of moneys provided by the Oireachtas, or if there be any fund properly applicable by law to such payment, then out of such fund to such officers and servants such salaries or remunerations as the Minister for Finance may from time to time determine.

(4.) The expenses of each of the Departments of State established under this Act, to such amount as may be sanctioned by the Minister for Finance, shall be paid out of moneys provided by the Oireachtas.

**Mr. P. HOGAN** (Clare): I move:—

“ In sub-section (1), lines 29 and 30, to delete the words ‘subject to the fiat of the Attorney-General having been in each case first granted.’ ”

In putting forward this amendment I had in mind that for some time past we have been considering the Courts of Justice Bill, and every party in the Dáil has given its time in endeavouring to make justice as easy of access as possible for every citizen. Whilst of course that is just and right we cannot refrain from thinking that Ministers are citizens of the State, even if privileged citizens. I am sure they would not renounce their citizenship for the sake of being Ministers. I cannot conceive why a Minister should be hedged around with privileges that are not the privileges of other citizens. In other words, I cannot conceive why the Attorney-General should have a veto on actions or litigation that may be brought against a Minister of State, why he should constitute himself so to speak a fairy godfather for the Ministry, to protect them from litigation. Of course it may be argued that frivolous actions may be brought against Ministers, but no citizen is free from such actions, and our courts of justice are just as competent to deal with frivolous actions brought against a

Minister as against any other citizen. In reading the Section what occurs to one's mind possibly is the old tag, “The king is dead; long live the king,” and that we have not yet got away from the divine right of kings. But in our day I think we have no place for such relics of antiquity even where these rights are vested in reigning monarchs or where they are sought to be vested perhaps in the descendants of a king who cultivated a particular animosity towards the natives of Denmark. I do not think that there is any place in our Constitution or in the courts of justice for such a thing.

**ATTORNEY-GENERAL:** Might I point out that this Section makes a tremendous advance in this regard upon the previous existing position. In England no action can be brought against a Minister first of all without a fiat, and, secondly, certain kinds of action are excluded altogether; that is to say, one can only proceed by petition of right, and can only proceed in actions raised on contract. No action in respect of wrong can be brought against a Minister with or without a fiat in England. This section has advanced to the far more democratic position of permitting actions to be brought against Ministers, as such, requiring only that there should be a check upon such actions in order that frivolous actions may not be brought, and that actions cannot be launched against a Minister in his Ministerial capacity as Minister of the State, which perhaps could not be brought against him in his personal capacity.

Amendment put and negatived.

**Mr. HEFFERNAN:** The following amendment stands in my name:—

In Sub-section (2), line 39, after the word “determine,” to insert the words “provided that any officers so appointed have satisfied the Civil Service Commissioners as to their qualifications and general fitness to perform the duties which will be assigned to them.”

Am I to understand that the Minister for Finance is willing to accept this amendment?

**Mr. BLYTHE:** I accept the principle.

**Mr. HEFFERNAN:** In that case I am willing to withdraw the amendment and thank the Minister for the consideration he has given us.

Amendment, by leave, withdrawn.

Question—"That Section 2 stand part of the Bill"—put and agreed to.

### SECTION 3.

(1) The President of the Executive Council for the time being shall, so soon as may be after his appointment as such President, determine and declare how many and which of the said Departments of State established by this Act shall be assigned to and administered by the members of the Executive Council to be appointed on his nomination pursuant to the Constitution: Provided, however, that the Department of Finance shall always be one of the Departments of State so assigned and administered.

(2) It shall be lawful to assign two or more of the said Departments of State to a single person who in such case shall be appointed to be the Minister head of each of such Departments.

**Mr. JOHNSON:** I beg to move the following amendment:

To delete Sub-section (1) and to substitute therefor as follows:—

"As soon as conveniently may be after the first meeting of a newly-elected Dáil Eireann, that House shall direct the Committee to be appointed in pursuance of Article 55 of the Constitution as to how many and which Departments of State shall be assigned to Ministers not members of the Executive Council and subject to the provisions of Article 52 of the Constitution, those Departments shall be so assigned, and the remaining Departments shall be assigned to Ministers who shall be members of the Executive Council."

The question raised by this amendment is, first, that the proviso is unnecessary inasmuch as it is a constitutional provision, and I wish to suggest it is undesirable to insert in general Acts provisos of this kind which are inevitably under the Constitution.

There is also a question raised as to the relative positions of the Dáil and the President of the Executive Council in the selection of Ministries which shall be controlled by Ministers who are or are not members of the Executive Council. If the Section is passed in its present form it will have the effect as regards the Ministries, which the Dáil desires to select as the Ministries which shall be directly controlled by the Dáil through the Ministers responsible only to the Dáil, that the region of selection left in the hands of the Dáil will be minimised. The proposal in the Bill is to say to the President, "You may now select Departments and then appoint persons to these Departments, which may mean seven out of such number as may be defined, and the area of selection left to the Dáil will be reduced." The effect, further, is that the Dáil is practically in a position of subordination to the President, for the time being in regard to such matters as these. To illustrate—and I do not want to refer to it more than as an illustration—the Department of Education is clearly a Department in which it was generally admitted, a year ago, that apart from the personnel of the Ministry, the Department of Education should not be within the control of the Executive Council; that is to say, it would not be a political office in the same way as other Departments might be. A Minister for Education, for instance, should not be subject to the chances of a change of Ministry. The object of the Constitution regarding external Ministers clearly was to make it possible to have selected persons, who would not be in the hurly-burly of political fight, who could be placed in charge of Departments such as Education. The Dáil may decide that Education, Fisheries, of which we have just been speaking, and any other Department outside Finance should be reserved to Ministers who would be responsible to the Dáil directly. That, I think, was clearly the intention of the Constitution, but the Section, as it is written down, says that the President shall determine how many and which of the Departments of State shall be assigned to and administered by Ministers of the Executive Council. I think

that is going past the intentions of the Constitution. After all, when a President selects his Executive Council it is persons he is looking for, rather than Departments, and I desire to ask the Dáil to agree to the principle that the Dáil should be left to choose the Departments of State, the head of which shall be responsible directly to the Dáil. The contrary, which is proposed by the Bill, would leave the Dáil either to declare no confidence in the President or its area of selection would be very much confined. I therefore beg to move the amendment.

**ATTORNEY-GENERAL:** As regards the proviso to which Deputy Johnson refers that was clearly necessary in order to prevent any suggestion that the section, as it would stand without the proviso, might affect the provisions of the Constitution. I suggest that this amendment of Deputy Johnson's so far from being in accordance with the idea of the Constitution is really distinctly against it, and would be unconstitutional and probably bad. Clearly an Executive Council is a council of persons responsible for the executive government. If the Bill is first to determine that Ministries and Departments of State, where large questions of policy may be concerned, are to be outside the Executive it may become quite futile to appoint an Executive Council at all.

In the way in which I understand the provisions of the Constitution, I should say that a President is elected by the Dáil because he has a certain policy and he associates with him the particular departments of State in which there are questions of policy involved—that is to say, questions of policy as regards executive government. It may be possible to leave certain departments outside the Executive Council because they are more matters of administration than of executive action. But it seems to me that the provisions of the Constitution would be entirely neutralised by the amendment of Deputy Johnson. It would really amount to the Dáil electing a President who would be a mere puppet. Even if he had a sufficient number of departments of State left to him to supply the minimum of Ministers with

occupation, they would be simply a body of puppets. Instead of being responsible to the Dáil the Executive would be—as I believe some people advocate—scattered amongst the body of Parliament as a whole, and you would cease to have the idea of Executive Government. In my opinion this amendment cuts across the whole basis of the Constitution and would neutralise its operation.

Amendment put and declared lost.

**Mr. COLOHAN:** I beg to move amendment 19:—

In Sub-Section (1), lines 57 and 58, to delete the words, "Provided, however, that the Department of Finance shall always be one of the Departments of State so assigned and administered."

The last sentence of the Sub-Section is merely a re-enactment of Article 52 of the Constitution. It is, therefore, unnecessary and also objectionable, in so far as it lends colour to the inference that the provisions of the Constitution can be varied incidentally in the course of ordinary legislation. I formally move the deletion of this sentence.

**ATTORNEY-GENERAL:** The object of the proviso is to prevent anybody suggesting that by the breadth of the terms of the Section there might be a constitutional amendment involved; that is to say, if it left at large the question of the Ministry of Finance, that suggestion might be possible. The proviso, so far from varying the Constitution, simply prevents anybody suggesting that the Section does interfere with it in any way.

**Mr. DARRELL FIGGIS:** Does the objection of the Attorney-General—that if the words were not there a constitutional amendment might be involved—mean that it is his opinion that a constitutional amendment can be involved incidentally?

**ATTORNEY-GENERAL:** No.

**Mr. DARRELL FIGGIS:** If there be a constitutional amendment during the eight years it must be by definite and specific procedure. Obviously there can be no constitutional question involved by the elimination of these words.

**ATTORNEY-GENERAL:** The only justification for the proviso is that unless you except Finance from the Departments mentioned in the earlier part of the Section there is the suggestion that it is swept in. If it were open to anybody to hold that it was possible to leave it out of the Executive or that there was any intention to make it possible to leave it out, somebody might suggest the proviso was bad and contravened the Constitution. With the proviso, nobody can suggest that there was any attempt to vary the Constitution.

**Mr. JOHNSON:** This must be read with a similar proviso in the previous Section. One might possibly infer—the habit might easily be developed—that if a proviso of this kind were not inserted in the Bill then the Constitution is open to amendment.

I think that it is rather bad policy to insert such phrases as these in a Bill—“Provided it does not conflict with Article so-and-so of the Constitution.” Surely a condition of that kind ought not to be placed in incidental enactments, enactments of a minor character comparatively. The Constitution ought to be presumed to govern all these enactments. I do not think the Attorney-General has given any valid reason for inserting such phrases as these in a Bill of this kind, when the Constitution must inevitably govern such legislation.

**ATTORNEY-GENERAL:** Its only object is to prevent the question being raised.

**AN CEANN COMHAIRLE:** Does the Attorney-General recollect an interesting example of this which occurred in the last Dáil, when an endeavour was made to insert words to the effect “that nothing in this Bill shall be construed as contravening the Constitution,” or “shall be construed as amending the Constitution”? That was ruled out of order on the ground that the Constitution could not be amended except by specific legislation directed to that end. If the Preamble of one Bill could contain a statement that nothing in the Bill was to be construed as contravening the Constitu-

tion, it might be also applied to other Bills. This is not quite the same thing; but, nevertheless, it is a matter that needs some consideration, I think.

**ATTORNEY-GENERAL:** With all respect, it is not quite the same thing as a general Preamble providing that an Act is not to be a violation of the Constitution; but, look at the words: “That the President of the Executive shall, after his appointment, declare how many and which of the Departments of State . . .” This proviso is really nothing more than to say “how many and which of the Departments of State, including the Ministry of Finance.” It really is no more than that.

**AN CEANN COMHAIRLE:** I did not state that the question of the Preamble was the same as this; I suggested the matter was something similar.

**Mr. O'CONNELL:** I was going to suggest that surely the President is not supposed to do things that would be unconstitutional. It is assumed he would proceed in accordance with the terms of the Constitution when he is making his suggestions. I think it is not at all advisable to put in a proviso of this kind, because if there are any other Acts which are in doubt we will look for the proviso, and if it is not there we will say it should be there, and we assume its absence means a certain thing.

**ATTORNEY-GENERAL:** I would be disposed to discourage lawyers and litigation.

**Mr. DARRELL FIGGIS:** I would suggest, as this is a rather important matter and involves certain considerations for the future, that if one sees a buttress placed against a wall, one assumes weakness somewhere in the wall. That would be the inclination of one's mind. When these buttresses are put in here so as to hold up the wall of the Constitution, one assumes that there is a weakness. It would be much better not to have that assumption.

**ATTORNEY-GENERAL:** The weakness is in the words “how many and which of the State Departments, includ-



ing the Ministry of Finance." If the form of the proviso is objectionable to some sensibilities, it can be easily altered to read, after "Departments of State," "including the Ministry of Finance."

**Mr. DARRELL FIGGIS:** Would it not be better that it should read "that the President may, subject to the provisions of the Constitution."

**ATTORNEY-GENERAL:** No.

**AN CEANN COMHAIRLE:** I think the objection is identical in that case. I would suggest that the amendment be withdrawn, that the matter be further considered, and that other words such as the Attorney-General now suggested be brought up later on.

**Mr. JOHNSON:** I would be inclined to advise that. Let me draw attention to the last four words of the sentence, if this were acceptable—"pursuant to the Constitution." To put in a further proviso which necessarily draws attention to the Constitution seems to be very undesirable.

**Mr. COLOHAN:** I beg to withdraw the amendment in view of the promise of the Attorney-General.

Amendment, by leave, withdrawn.

Question—"That Section 3 stand part of the Bill"—put and agreed to.

#### SECTION 4.

There shall be paid out of moneys provided by the Oireachtas to the President of the Executive Council an annual sum by way of salary not exceeding £2,500, and to each of the members of the Executive Council an annual sum by way of salary not exceeding £1,700, and to each Minister not a member of the Executive Council an annual sum by way of salary not exceeding £1,700, but so that no person shall be paid more than one such salary.

**Mr. HEFFERNAN:** I beg to move the following amendment:—

"In lines 2 and 4, page 6, to delete the figures £1,700 and to substitute in lieu thereof in each case the figures £1,500."

In view of the present conditions ex Vol. 5.

isting in the country and the demand for economy which we hear every day, and which has been made with regard to certain Departments of State, I feel this amendment should be self explanatory. Possibly it would have been better if this amendment had come from the Government benches rather than from those benches. In view of the fact that the Ministers appear to have made up their minds that economy shall be effected in all Departments of State, it seems to me that it would be a matter of the utmost importance that those Ministers should set an example by first getting their own houses in order and effecting economies in their salaries.

A statement recently brought before the Dáil caused a great deal of controversy. It was a statement by the Minister for Finance that the salaries of the National Teachers were to be reduced by 10 per cent., and that 1/- a week was to be taken off the dole which the Old-age Pensioners get. I think it would be extremely wrong for the Government making those cuts to maintain that the Ministers were entitled to retain the salaries which were fixed when conditions were more prosperous and the future of the country, from a financial point of view, more hopeful. The amendment I have moved is a very reasonable one. The reduction I suggest is £200, and in reaching that figure I made a cut of something close to 10 per cent. It is a little more than 10 per cent., but in all probability a demand will be made to cut salaries in Departments of State further, and I think I may be forgiven for this slight increase over 10 per cent.

In the case of a New State like the Free State there is a great tendency for the Government to take example by old-established States, in the matter of salaries amongst other things. I think the salaries paid to Ministers in England and other countries should be no criterion to what we should pay our Ministers here.

There are many considerations, and there is one matter of considerable importance I would draw attention to. It is that our Ministers are men who, by a lucky turn of the wheel of fortune, and without any great previous preparation, have found themselves Min-

[Mr. Heffernan.]  
isters of State. In such circumstances it would be advisable that they should start in a moderate way and as the finances of the State improve their salaries could be increased, just as in a business concern the salaries of men are increased as the financial position gets better. We Deputies are constantly up against statements such as this: "Why are not Ministers making cuts in their own salaries and the salaries of heads of Departments?" How can we go to the country and tell our constituents that cuts ought to be made in the wages of men working on the roads or elsewhere while at the same time we do not make cuts in the salaries of Ministers, heads of Departments, and other officials? Yesterday one of the Ministers stated it was possible, in the event of certain things happening, that the salary paid to the head of a Department might be greater than the salary of a Minister. That could be rectified by the salary of the head of a Department being reduced in proportion to the salary of the Minister. The salary of one Minister, even with the reduction I suggest, amounts to what 60 Old-Age Pensioners would draw. It also represents the wages paid to about 20 farm workers. Much as I appreciate the value of the work done by the Ministers, and the personality of our present Ministers, I do not know if in a democratic State it could be considered that one Minister is equal to 20 farm workers. In all probability those farm labourers would have an average family of five and then it would amount to considering whether or not one Minister was equal to 100 people in a rural district.

It is to be noticed that I did not put in an amendment to reduce the salary of the head of the Executive Council, because I think that the President of the Executive Council occupies a position of dignity and honour, and it would not be worthy of our country, no matter what its finances would be, that we should attempt to reduce the salary of the head of the Council below what it is. I do believe, in view of the present financial conditions, conditions that are not likely to improve for a considerable time, and taking into account the comparative

youth of many of our Ministers, and the probability they have of an increase in their salaries, that they should now state their willingness to accept this amendment, and to accept the reduced salaries which have been offered in this amendment. Accordingly, I have pleasure in proposing it.

**Mr. BLYTHE:** I object to eye-wash. There have been people who have invited us to announce reductions in Ministerial salaries when we were effecting economies necessary to balance the Budget. They said it would enable the country to swallow the economies that were necessary; that the amount saved was of no consequence, but that it would enable the country to swallow the economies. I have no belief in dealing with the country in that way. I have no belief that a man should not be able to insist on economies without beginning by saying: "Here I am doing something; I am going to coax you to do the other thing." I certainly think that you cannot put Ministers, or anybody, in the position of being able to insist on economies without reductions in whatever stipends they are receiving themselves. I regard the whole suggestion as a suggestion that we should, so to speak, throw dust in the eyes of the country. I think this question of the Ministers' salaries is a question that should be dealt with on the merits, and that it should not be done as some sort of apology for effecting needed economies in expenditure. I simply will deal with it in that way. It is a question of whether this salary is one that is too much in the circumstances that exist in the country. We fixed, the other day, the salaries for the judges. We fixed the salaries, including those of the Circuit Judges. We fixed these salaries fairly high, so that judges might be independent and so that they might not be subject to corruption. Now those judges have a life tenure and they have pensions. In the existing circumstances, a Minister could do far more, if he choose, in the way of graft than most judges.

You want to be able to get a fairly good class of man as Minister. You do not want to confine Ministerial office solely to what you might call the

leisured rich or simply to the professional politician, who goes into politics solely for the purpose of getting office. You would find a difficulty in getting any business man of standing to take up Ministerial office with the present salary, because there is this to be remembered, that every year a Minister is in office, and every year a Government is in office, the more enemies that Minister and that Government have. What happens is, suppose you have a man who has a profession or a business and he becomes a Minister. His practice goes to pieces or his profession goes to pieces, if he has a profession. After four years, which is as long as anybody is likely to continue, he goes out. He has to start then again. If you do not give something reasonable as salary you will not get the right type of people willing to come in. At any rate, you will confine it to a certain class of people.

In this country, where we do not want to confine Ministerial office to the leisured rich, or to confine it to some people who are simply and purely professional politicians, that salary of £1,700, in all the circumstances, and having regard to the fact that a man's whole time is taken up by it, and that he is cut off from any business interests during the time, is not too much, and I do not think that any proposal to cut it down to soothe the feelings of the national teachers, or any other person either that might be affected in the economies, is wrong. We look at it in this way. These are important offices. There is no Minister who, day after day, has not to give decisions that offend people who are friends of his own. The decisions that they do give are in the interests of the State, and if a Minister is to maintain his integrity he must be prepared to do that. You want the sort of person who will do it, and in the same way, as you must be prepared to pay for ability and integrity in Judges, you should be prepared to pay for it in Ministers. This Bill is not for the present, but for the future. I do not say anything about the actual present, because I am looking definitely at the future. I would not care two pence whether this amount came off or not. As far as I am concerned, it will be easier for me

to say: "Let it come off." For the sake of the amount, it would be easier for me to agree to it. But I think it is necessary to face this, having in view what the interests of the State demand. You cannot cut down the salaries of lots of heads of departments. Otherwise you come in for heavy responsibility under the Clause of the Treaty which deals with that matter. You might attempt to do that and the result would be that you would cast a heavier burden on the State.

I will say this, that the heads of Departments are not overpaid. There may be individual men who are overpaid. But take the Post Office, for a moment. It is a big concern employing 12,000 employees. What you might call the General Manager of that, the Secretary, is paid £1,000 a year. I think in commercial life any man who is controlling a big organisation, doing the work that the Post Office is doing, and with the number of employees that the Post Office has, would be paid far more than he is. I think if you turn to the Department of Finance, and then if you looked to the banking world, and found men who have the same responsibility that the Secretary of the Minister for Finance has, you would find he would be paid a higher salary. It is these people who are in the key positions. By the least lapse or the least neglect of duty they would cost the State very big sums. It is necessary that you should have people of ability, and that you should attract people of a certain type, and that you should not be confined to people who cannot do much good in other walks of life. I think the worst thing in which to economise is economising in a sphere from which affairs are directed. You might save £100 by some economy, and if you failed to get or to keep the right sort of man it might cost you £100,000 easily. I think that this sort of attitude that we have, that anybody who is paid more than £500 a year, is, of course, a plutocrat and ought be immediately cut down, irrespective of any other cuts or economies, is ridiculous. If you are going to have big affairs conducted rightly, you must have men of ability, and if you are to have men of ability you have to pay for them. I do not believe that the heads of De-

[Mr. Blythe.]

partments are overpaid. I do not think you can reduce them, and there is the fact that even at present you would have Ministers, with actual salaries less than the heads of Departments. I think this is entirely wrong, and it is the product of a sort of parrot cry that has been going round of late. I think that it is entirely wrong and should not be adopted by the Dáil. For my own part, it would be easing my own task to agree to it, but I do not think it is well to do so.

**Mr. DARRELL FIGGIS:** On a point of order I desire to ask, a Chinn Chomhairle, if such an amendment is in order under the Constitution. Article 39 reads:—"Ministers shall receive such remuneration as may from time to time be prescribed by law but the remuneration to any Minister shall not be diminished during his term of office."

**AN CEANN COMHAIRLE:** There is no proposal in this amendment to decrease the remuneration of Ministers as fixed by law during term of office?

**Mr. O'CONNELL:** It may come as a surprise to the Minister for Finance and possibly to others if I say that I am against this amendment. I do not believe in a policy of economy which has only as its foundation simply the cutting down of salaries irrespective altogether of whether they are just and proper salaries or not; that is not the sort of economy I am thinking of in any case. I had occasion to object some weeks ago to a proposition of the Minister for Finance in regard to National Teachers. I do not think it will soothe the feeling of national teachers if a wrong is done to other people in other circumstances. I consider that in the Government of the country, and in the management of the country, we want the best possible people we can get, and we must remember that in looking out for these people we are competing with the business world and with the professional world. It may be just at the moment that people, as Deputy Heffernan said, are perhaps more or less suddenly put into these positions, but that is not going to happen always and even such as it is,

they have, because of the suddenness with which they find themselves in these positions, very much increased responsibility which will not be there for people who come after them in six or eight or ten years time; I think it is only reasonable that the matter should be looked at from that point of view, but later on men will be coming into political life and before they enter political life they will naturally, perhaps, look to what prospects political life gives them. We are competing with the business world, as I say, and the professional world for men who will undertake the responsibilities of Ministerial positions and run the country and manage the country as it ought to be run and managed. We do not want duds in business life, and we do not want them in professional life, and even more so we do not want them in political life. I can only regret that the admirable principles enunciated by the Minister for Finance were not carried out in practice in respect of the key-positions in national life. These are key-positions undoubtedly, but there are other key-positions which the Minister seems to have forgotten.

**Captain REDMOND:** I would like on this occasion to endorse the attitude taken up by the Minister for Finance as one who, to a certain extent, preaches economy at the present time. I never suggested that the various Ministries which are in existence should have as their heads men who would not be sufficiently remunerated for the task that is before them. What I have suggested rather has been that there should be a diminution of those Ministries, and especially a diminution of the staffs in those various Ministries. What I have objected to has been redundancy rather than a proper and sufficient remuneration for the servants of the State. Now in this regard I think I may say that the amount proposed by way of salaries to our Ministers are by no means excessive, and I thoroughly agree with the Minister for Finance when he says that the State should be in a position to secure the best intellects and the best ability in the country. The mere cutting down of these salaries by a couple of hundred pounds would not effect a very

great economy, and I do not think it would either effect efficiency, certainly not in the right direction. I, for one, am strongly in favour of the reduction as far as possible of the numbers and personnel of the various Ministries and the various staffs, but I believe that in these staffs and these Ministries which are necessary for the carrying on of the Government of the country we should have the best possible ability, and that the various people who undertake those duties should be properly remunerated, and for these reasons I certainly shall oppose the amendment.

**Major BRYAN COOPER:** I hope that Deputy O'Connell's speech will be broadcasted to all branches of his organisation, because I was attacked by the secretary of one branch of that organisation for voting for the Second Reading of this Bill. I did not vote for the second reading of this Bill because there are provisions in it which I did not wish to make myself responsible for, and I did not vote at all, but I was attacked by this gentleman, who alleged that I was voting for swollen expenditure. I will, however, vote for this amendment not because I sympathise with all the mover said. I recognise the great force of what was said by the Minister for Finance, and the whole House knows he is absolutely disinterested, but I think it is significant that he was far more eloquent in that part of his speech when he was defending subordinates than when he was speaking for the particular Ministers. I agree that those at the head of the State should be adequately paid. I do not think that Ministers are grossly overpaid, and I do not think that the difference between £1,700 and £1,500 is going to make all the difference between getting a party hack who thinks only of himself and the man who could stand outside without such a position. But beside all this there is a principle at stake. We should not ask others to do what we are not prepared to do ourselves. When I was a soldier I was taught that an officer should never ask a man to do what he would not do himself, but I am afraid that Ministers in the present instance are not on that high ground. I feel perfectly sure we would be in a far

better position to face the old age pensioners whose allowance we are reducing, and we would be in a far better position to face the National teachers if we began by cutting down not only the salaries of the Ministers but also the salaries of members of the Oireachtas. I understand there is to be a Bill introduced by a Deputy upon this subject, and if so, I shall certainly support it because, as I have said already, I do not ask any man to do what I am not prepared to do myself.

**Professor MAGENNIS:** There is a very obvious fallacy in the argument we have just heard. It pre-  
5 o'clock. supposes what is not the case, that these salaries set down originally for Ministers were sufficiently excessive to allow of a cut. If the Ministers' salaries, as originally fixed, were correct, something might be said for the argument, but we know that it is not at all a correct description to say that they were adequate. They are, and always were, hopelessly inadequate, and I am glad that I registered my personal protest against the fixation of them in the beginning at this ridiculous amount. I charged the President at the time that the sum was computed somewhat in this fashion, the only way of computation that I could imagine that would reach such a result. It was this, that inquiry was made as to how much the Ministers were paid in the Six-County Parliament. It was found that they were paid £2,000 a year. Then, I suppose, it was said: "Very well, let us fix the Free State Ministers' salaries at a figure less than that." I cannot imagine any other basis of calculation than that, because the salary bears no relation whatever in reason, either to the status of the Ministerial Officer or to the character of the work that he is to do. It certainly does not indicate in terms of money value the dignity of the office; it certainly does not indicate either, the quality or the ability that is demanded for its proper discharge, and it has no relation whatsoever in proportion or in ratio to the type of work that the Minister is called upon to do, or as to the responsibilities that he must shoulder, or, in other words, as

[Professor Magennis.]

to the courage, character and intelligence that he must put into his work.

It is possible now, perhaps, in these days of sacrifice, when sacrifice for the nation is the fashion, and when the wave of enthusiasm that swept through the land in the last few years was sufficient to carry hosts of men along that in normal times would have shrunk from self-sacrifice, to get men of ability to fill these Ministerial offices now, but it needs very little prophetic vision to see that in normal times, and when stabilisation has been reached, that no man of first-class ability would accept a Ministry of the Free State at such a salary. Deputy O'Connell struck the right note, and spoke what is absolutely the truth. The men who are to fill these offices would have a very much larger income if they turned their backs upon the national service and went into business or followed their professions. There are many professional men who are quite willing to be here as private members of the Dáil, but who are not willing to be Ministers simply because they could not afford to throw away so much of their own income and take the miserable pittance, for that is really what it is to regard it comparatively, that is allotted to a Minister. It is the fashion always to look to men in high places, to officials and to others, and to complain that they are overpaid, just as members of a religious order are spoken of in newspaper reports as "the good nuns." In the newspaper account of a luncheon it is always "the good sisters" who are referred to as having provided a hospitable and delightful dejeuner, or when a clergyman dies he is usually referred to as "a saintly and scholarly gentleman." I am referring now to a Minister, and not to Ministries. A man is always saintly and scholarly when he is dead. So long as a Minister fills a responsible office, and so long as his office carries big responsibilities, then he is a public enemy and everyone's criticism may be levelled at him, and the fashionable type of criticism is to allege that he is overpaid. I believe "bloated official" is the correct description. Just as the established phrase for a deceased clergyman is "a saintly and scholarly

gentleman," so I understand the proper phrase in this case is "bloated official." Anyone acquainted with life, anyone who has come to adult years, knows well how the big combines prosper in the United States. The reason is because they spare no money to get at the head of their corporations the man, whoever he is or wherever he comes from, who is able to work successfully a business combine, and a salary of £60,000 a year in pounds sterling is not too much for such a man.

I know of a certain American manufacturing firm that looked round and saw in London in the service of a rival English company a distinguished product of the London University. They offered him a high salary which fidelity to his own employers made him refuse. What did the American company do? They bought out the English company and then said: "Now we are your employers and we will take you over to America and provide you with all the laboratories you require." That is how big businesses are conducted successfully, and is there any bigger business in this nation than the business of the nation itself? It is absurd to come along with this petty criticism and suggest that economy requires a reduction of expenditure in regard to Ministerial salaries. Economy, to my mind, requires an increase in those salaries, and it is in the interest of economy that I stand here to say—and I say it with the utmost conviction—that unless those salaries are increased by some future measure you will not have at the service of the nation the best ability and the most experienced brains.

**Professor O'SULLIVAN:** Might I just point out one thing about this amendment? If it is intended to set an example to the nation, it is doing so by deceiving the nation. This amendment, as you have clearly pointed out, does not propose an immediate cut in the Ministers' salaries—it cannot take place for four years if the Ministry remains in office. Therefore, to pretend to the nation that you are cutting them £200 while in reality you are not doing it is, as the Minister for Finance pointed out, mere eyewash.

**Mr. GOREY:** I want to assure the Minister for Finance that this is not eyewash. The amendment was not put up with the intention of throwing dust in the eyes of the public. It was put up honestly. We put it up from the same point of view as the Ministers who have been asking the public to subscribe to the loan as an act of faith in the future of the Saorstát. This amendment was put up to ask the Executive Council to show an act of faith in their own economies, and in the economies they have been preaching wholesale throughout the country. A good case has been made by Deputy Magennis in showing why a good man should receive a good salary, and why the best men should be drawn into the service. But a good case also can be made for every man in every other service. The same case can be made for other men who are receiving salaries and for men who are receiving no salaries but are trying to eke out an existence all over the Saorstát. This is not eyewash. It is a genuine plea that the cut should come from the top as well as from the bottom, but I see very little disposition to make the cuts at the top. It is all very well to preach economy to men who are not able to defend themselves, who are not here to defend themselves, but if there is economy needed—and it is needed—it ought to be economy all round. We Deputies here are not getting a huge salary, and some of us give all our time to the business of the Dáil during its sittings. There are some Deputies here who are prepared for a cut, and it ought to be a cut all round. When men preach economy they ought to show an act of faith in what they preach. Deputy Heffernan said that he did not like to interfere with the salary of the President by reason of the dignity of his office. I agree, and I hope that in future the President will do honour to the office and let us have the usual hospitalities associated with such an office. For that reason only I agree with Deputy Heffernan.

**Mr. JOHNSON:** Is that an act of faith?

**Mr. GOREY:** Yes, it is an act of faith. I am not surprised at Deputy O'Connell. I knew Deputy O'Connell

would try to make a good case for the people whom he represents, but in making that case he made a case for the Ministers. He was not thinking of the Ministers at all. Like a wise man he was thinking of something else. I want to assure Ministers that this is not meant for eyewash or to throw dust in the eyes of the public. It is trying to show the public that we believe in what we preach, and the sooner we all start showing an example the better for this country.

**Mr. MCGILLIGAN:** This is a sham battle from the start. It seems to me that the psychology of Deputy Gorey's surname is that he must always be engaged in a conflict, always in a battle. It does not matter, as long as there is turmoil and a certain amount of dust arising from that conflict, whether there is any object to be gained or not. If Deputy Gorey insists that we must practise what we preach he should first of all see that he knows what the object of preaching is. Nobody has set out in this country to effect economies merely to penalise certain people. It was done in order to accumulate money and to save money. What money is going to be saved by Deputy Heffernan's amendment? A sum of £2,200, to come into force this time four years. There is a phrase which occurs in a play—I think it is by Wm. Boyle—which is sometimes acted in this city, where a canvasser calls on a begging expedition and the gentleman on whom he calls says he will halve his entire fortune and at the end presents a shilling. The shilling is refused and the phrase is used, that this beastly conglomeration of twelve miserable coppers cannot be accepted as a decent result of the interview. Does this £2,200 seem an economy to be effected in the present state? That is where I think the Minister for Finance's references to eyewash seem to be applicable. The sum to be saved is £2,200. We are told that the psychological effect of the lesson is going to be that the teachers will accept more readily the cut imposed upon them, not for the sake of penalising them but for the sake of the great money there will be saved by it. The same thing, of course, applies to old-age pension money.

[Mr. McGilligan.]

It is not merely to penalise. Deputy Heffernan's amendment does not set out to effect any economy. I cannot understand whether it is a fine on the Ministers for insisting that money should be taken from somebody else or whether it is meant as a reasonable contribution to balance the Budget next year. Personally, I have the feeling, that Professor Magennis has given expression to, that Ministers here are not well enough paid, and the analogy that was made by the Minister for Finance when he spoke of the salaries paid to the heads of Departments was not a full statement of the case. The head of a Department at present may not only be getting the same as the Minister but he has also pension rights and security that a Minister does not hope to have. Deputy Heffernan referred to those young men who at present hold Ministerial office. The effect of this amendment is not to deprive these young men, but to deprive any one who holds Ministerial office, of £200 a year. He did refer to the fact that these were young men and had many opportunities before them. That is another point in my argument against Deputy Heffernan's amendment. They are young men, most of them at the period of their career when, if they turned their faces aside from this assembly to some other business, they could certainly accumulate much more than anything they are likely to accumulate from their present office. The other argument of Professor Magennis I need not stress. We must see in this country that the occupants of the Ministerial benches are not going to be confined to the leisured class or to those with money. We pretend we are a democratic country and we should have some belief in what we preach in that respect. The Ministerial occupation at the moment is a blind alley of the worst form. If we are going to reduce salaries and leave Ministers unpensionable, as they are in this country, and without any idea of a lengthened period of office, then you do mark out these posts only for those who are wealthy.

There is one other attitude that I think Deputy Gorey might consider.

He might soon transfer himself by merely crossing the floor of the Dáil. Let him treat those people who were at one time called Deputies, and who are now called Ministers, as if they were on the same level as the rest of the members. I have in mind a phrase that was used, or was put into the mouth of the late President Roosevelt when he took his army to Cuba. He said that there he was with those brave boys going out in the boat. He said he talked to them as if they were his own equals, which indeed they were, in every way, except in point of education, wealth, rank and courage. Let us treat Ministers as we would wish to be treated ourselves, if efficiency were to be demanded from us when we sit on those benches. I object to the amendment.

**Mr. JOHNSON:** I think the discussion shows the difficulty of assessing the amount of salary that should be paid to a Minister. I have not yet heard from anyone any good reason for fixing the amount at £1,700 or £1,500. I do not think the stressing of the commercial argument was a good one. I do not think it is good to say that a man capable of carrying on the business of a Department of State would be able to earn three times as much if he went into banking or agriculture. I do not think the argument that because he would be able to earn three times as much as an agriculturalist or a banker he should get as much or something approximate to it as a Minister, is a sound one. If that is to be the criterion it seems to me that we have got to find out what would be the worth of such a man in an administrative capacity after going through a business career or professional career. I suppose the idea would be to endeavour to obtain the services of a man who for love of the State would throw himself heart and soul into its service, relying only upon a minimum livelihood. One may take the example of some of the monastic orders and say that here you have men who are prepared to sacrifice themselves utterly to service. We are not likely to attain that position in this country within the next five years. I think some of the criticism we have



heard in the Dáil and outside is personal, and is coloured by the fact that the critics were closely associated with the men who have been placed in the position of responsibility. If, as is the case in most countries, the Ministerial elements were far apart from the people there would be no such criticism. There is a certain amount, not of jealousy but sycophancy behind a good deal of the criticism, a feeling that these men are not good enough for high office, or at least, they may be good enough for high office, but they are not good enough for high pay. I do not think that should affect the discussion or the judgment of the Dáil, in this matter. I want to say that we are not dealing with this Ministry. We are dealing with the office of Ministers of State and trying to assess the amount of salary, pay, stipend, or as Deputy Professor Magennis would like to call it, honorarium, that we should give to these Ministers. I did not like to hear the Minister for Finance saying that you must pay a certain high salary to remove to some degree at any rate the risk of graft. There is a suggestion in that, and I have heard it more than once, that the temptation to illicit payment is greater amongst those who receive small payment for work done, than amongst those who receive high payment. I think evidence would be conclusive if one tried to adduce it, to show that the danger of graft lies, at least equally as much, amongst those who have been in the habit of receiving high pay.

**Mr. BLYTHE:** I think Deputy Johnson slightly misunderstood me. I said that if you did not get men who were equal to the office there was greater danger of corruption. I certainly did not mean to say what Deputy Johnson has taken me as saying. My point was that if you get men who are unfit for the office, owing to people who are fitted being unwilling or unable to take office at the rates or salaries offered, you run risks in that direction.

**Mr. JOHNSON:** I think the risks are no greater amongst those who have not been in receipt of anything like these salaries than those who have been in receipt of high salaries. Deputy Cooper and Deputy Gorey, I think,

made some references that if we were to preach economy and "cuts" and be consistent we should lower salaries in the Ministerial ranks and elsewhere. If I thought there was anything in that argument I would retort that because I have resisted "cuts," therefore I will continue to resist "cuts." I do not think you are going to have economy, and I do not think you are going to get the ends you seek by simply making the "cuts." I do not think that is the direction in which economy should proceed at all. In arriving at the rate of salary to be paid to Ministers I think we have not got to take into account their competitive worth, their worth in the field of commerce, or in the professions. We have to take into account the circumstances of social life of the community in which we are living, the qualifications and preparation necessary for the work that has to be done, and the risks of being thrown entirely upon their savings, after office has been vacated.

Deputies ought to recognise that that is a very considerable risk. A Minister cannot speak of the future because, under this Bill, which will operate until it is repealed or amended, Ministers would be chosen from those who have had at least some preparation for Ministerial office and not merely a preparation in the commercial world, because usually I think it has been found that that kind of preparation does not qualify for Ministerial office. The preparation required would entail a considerable amount of reading and training which involves expense, and after one, two, or four years that a man may occupy a Ministry and receive a salary, perhaps twice as much as he would have been receiving in other walks of life, the surplus might easily be lost in one year after he had vacated office. One or two years after he might be thrown entirely upon his own resources, having lost his prospects and being dependent upon what he has been able to save during his years of office. I do not see yet any argument for fixing the sum at less than £1,700; I have not, in fact, heard any argument for fixing it at £1,700, but until I hear some effective argument that satisfies me that the sum should be

[Mr. Johnson.]

reduced from what it has been fixed in the Bill I will oppose the amendment. I think that we have to recognise that a citizen upon whom has been imposed the duty and responsibility of the charge of a Department of State has taken upon himself a tremendous responsibility, and I think we ought to endeavour to impress upon the country that it is a responsibility. It is not a reward; it is the request of his fellow-citizens that he should do certain work, give certain services, and absolutely immerse himself in the service of the State, and every Deputy knows that even in their own associations—and it is to a much greater degree to be found in Ministerial posts—that responsibilities are imposed upon Deputies, and more so on Ministers because of their position, that are not imposed upon the average citizen, and those are monetary responsibilities. For these reasons I am not prepared to approve of the amendment. I do not think any case has been made except the case for cutting, and that is not conclusive, either in this case or any other cases put forward here.

**Mr. HEFFERNAN:** I would like to assure the Minister for Finance that this amendment was not put forward in any sense as eyewash. It was seriously intended and was not in any way meant to reflect on the Minister for Finance. I would also like to assure Deputy Johnson that I was not in any way inspired by such motives as petty jealousy, or spite, or personal ill-will against the Minister.

**Mr. JOHNSON:** May I say that I never thought that that was in the mind of the Deputy. I was thinking of general loose talk outside.

**AN CEANN COMHAIRLE:** That was made clear, I think, Deputy Heffernan.

**Mr. HEFFERNAN:** I accept that statement, but in any case I wish to say that I was not inspired by these motives, even if Deputy Johnson did not suggest them, because I have the greatest possible regard for the capabilities and capacities of the Ministers, as far as I know of them, and I was

greatly impressed and almost convinced by the thoroughly honest statement made by the Minister for Finance in regard to this matter. But I must say that I am not sufficiently convinced and I still retain, to a large extent, the opinions I originally started on. I was perfectly well aware, when putting forward this amendment, that the actual economies which would be effected on its acceptance would be trivial and would have no effect on the general finances of the country. But I was also inspired by the ideas of other Deputies that no man should ask a subordinate to do what he is not prepared to do himself, and I felt that Ministers, having asked their subordinate Departments to make cuts and to make reductions, are in duty bound to make similar reductions in their own salaries. A difficulty seems to arise with regard to an estimate of the value of the services of the Ministers, and we find it difficult to arrive at a standard on which to judge their financial worth. I am not responsible for that; if a mistake was made when the salaries were originally fixed, if these salaries were fixed at too low an amount, that is not my fault. I take it for granted that they were fixed at an amount which it was thought was the worth of the Ministers' services, and if the Dáil fixed them at too low an amount, I cannot be responsible for that. I take it for granted that they were fixed on the value of the Ministers' services of the time. The Minister for Finance made a certain statement about the value of the services of certain heads of departments, and he referred particularly to the low salaries of the Postmaster-General and the Secretary. I agree with him to a large extent. I am well aware that a man who is responsible for the conduct of such an enormous institution should be well remunerated, and I think it is quite possible that the actual civil servant he referred to does not receive a sufficient salary. But I would also remind the Minister for Finance that there are many other departments. If he looks at the Estimates he will find about 60 votes with the heads of almost all Departments getting probably £1,000 a year, and in a great many cases over that. I think there seems to

be some magic in that figure of £1,000 a year. When I was a young fellow I thought that if I ever reached the enormous salary of £100 a year I would be made for life, but now the ambition of all school children is £1,000 a year, and although the value of money has considerably depreciated, I do not think it has depreciated to that extent. I do consider that although the heads of some departments may not be sufficiently paid, the heads of a great number of departments are altogether overpaid.

I deal with this largely from the point of view of agriculture, and the thing which impressed me most in hearing the speeches made in this debate was the strong, solid wall of opposition which we farmers are up against in our attempts to economise. As far as I can judge from what I hear in the Dáil, economies are very admirable things, provided it is the other fellow who is to make them. We are all willing to economise out of the other man's pocket, but when it comes to touching our own we rather dislike having our salaries reduced. We all know that agriculture at present is in a very parlous condition, that there are no profits from it, and that the people we represent are enjoying practically no salaries whatever, and there is also a grave danger that there would be built up on this superstructure of Ministers a bureaucracy which will bear down upon the country's impoverished foundation. That is what we are fighting against. My idea in bringing forward this is that the example should be set by the Ministers, and should percolate down all through the Departments of State, and that it should affect every Civil Servant, and every servant of the State who is getting a salary, and also that notice should be taken of it by other members of the community, and that they should be prepared to accept less for their services. If the present heavy superstructure is maintained agriculture, which is its basis, will not be able to support the country in the manner in which things are being carried on. Having stated these arguments, I am convinced that it would be a wise thing and a popular gesture, if the Ministers accepted the amendment instead of putting it to a vote.

**Professor MAGENNIS:** I should like to say I had not the advantage of hearing Deputy Heffernan when introducing the motion. I have heard him now, and I cannot at all understand the attitude he has taken up. He says the Ministers should set an example. I quite agree. Let me correct his history. The Ministers have set an example. In spite of the protest of an Independent Deputy, such as I was, the Ministers fixed a scale of salaries at quite too low a figure, utterly inadequate. I called it, and still call it, ridiculous in the circumstances. Consequently, if the sole ground on which he rests his case be that the Ministers should set an example, he is already fully met. They have set the example. Not only has the axe of economy been applied to various departments of administration, but it was applied earlier to the Universities. That was accepted, I will not say without any murmur, but there was no protest made except by University representatives. I quite agree that agriculture is in a bad way. Is agriculture to be taken out of the wretched state in which it finds itself by introducing a scheme of Ministries, and of remuneration for Ministries, which will make us a fifth-rate State? Is the head of the national administration purposely arranged to be a man of inferior standing in any of the various walks of life? That is really what it amounts to. The fabric of government, the fabric of State administration, is being created by this Bill, and in the name of restoring to its much desired prosperity one of the stable industries of the country we should see to it now, according to the Deputy speaking for agriculture, that it shall be an inferior fabric. It is a most extraordinary idea to say when the State is being arranged that it shall be inferior. I never thought to hear in actual life the argument with which ancient logicians regaled their pupils: "Who drives fat oxen should himself be fat." Here it is enunciated: "Who makes a cut must make a cut with regard to himself."

**AN LEAS-CHEANN COMHAIRLE** took the chair at this stage.

**The PRESIDENT:** The question of

[The President.]

the payment of Ministers and Deputies was left last year, in the first instance, to a Committee to decide. The Committee was composed of Deputies, I think, from all sections of the Dáil as it then stood, and it took into consideration questions affecting other countries and salaries paid in other countries. I do not know whether it had in mind salaries then paid, or salaries which had been paid to certain officials, Civil Servants, who were in office here at the time when the Treaty was passed, and who actually were in receipt and enjoyment of those salaries after the Dáil met, certainly in one case, and possibly in two or three. There was one civil servant whose salary was either £3,000 or £3,500 a year, with residence; another civil servant had a salary of £1,800, and another a salary in the neighbourhood of £1,700 a year. Since the establishment of the Saorstát, and in fact during the time of the third Dáil, no appointment was made by the Government of any official at a higher salary than £1,500 a year. These salaries carry with them what are called Civil Service bonuses which bring up the salary, I think, to a round figure of £1,700. The position has with it all the advantages which civil servants enjoy, such as pension rights, and I am sure that the Committee in considering the salaries of Ministers at that time had that in mind when recommending a salary of £1,700 a year. I stated when I was introducing the Bill that I would entertain an amendment to reduce my own salary. Personally, I have seen no reason why there should be any differentiation. The Committee thought otherwise. I conveyed my views to the Committee, but they in their judgment and wisdom recommended the large salary for my office. I do not think it is a salary on which a person having no other sources of income would be able to keep up what is properly supposed to be the dignity of that office. It would call for very much more expenditure than is allotted in the salary of £2,500 a year, when income tax and super tax is charged on that figure. Ministers pay income tax, and I understand that the salary is somewhere about £1,400

a year when income tax has been deducted, so that in that respect they are on much the same level as officers in the Civil Service who have not, as far as I know, many of the charges on their income which attach to that of Ministers, and who have permanency of occupation, and none of those disadvantages which Ministers occasionally experience in their pilgrimages throughout the country. I would say as regards salaries, that even though there are a number of Ministers, and even though the salaries are £1,700 a year, and even though it may appear to be a superstructure of a certain amount of extravagance, it cannot be considered extravagant when they have rendered good service for the money they have received, and that ought to be one of the principal tests one would apply to a consideration of this sort. I mentioned, when introducing this Bill, that as far as the salary of the President is concerned there was a difference of somewhere about £100 a year in the net amount received in salary by the President, and that paid to the Lord Mayor of the city of Dublin, and the Lord Mayor has a residence which is not provided for the President. If the State cannot afford to pay the Ministers at the head of departments, the average responsibility of which far exceeds that of the Lord Mayor at the same rate, I think we are a poor country. If, on the other hand, by reason of a large number of Ministers certain economies can be effected, and that the State can be placed on a very secure and sound foundation, even perhaps at the expense of the political existence of some of the Ministers, I think they are rendering good services for the money they receive.

Some years ago, in discussing the possible future of politics in this country, a very able man said to me that he would not give much for the lifetime of the first Government or of the second, but that he would put his money on the third. I think we have lived that down. But Deputies generally will admit that, having regard to the difficulties of the time, there is a certain limitation to the political future of those who are placed in responsible positions just now. The

public may possibly say that they have achieved some good work. As time goes on, people will say that they ought to have achieved it at a much lesser price and at less cost, one way or other. But it must be remembered that the majority of those comprising the Government at the moment are very young men who, in the ordinary way, might possibly be devoting their attention to their own future. From my experience of them—as I said during the election campaign—I had never received more loyal service or had read in any country of more loyal service or of such disinterested service as these men rendered. That is so far as they are concerned in their offices as Ministers and in their work and support in founding this new State. It does not take into consideration the future. We do not know what the future may hold for us. It may be possible within a few years, as soon as reorganisation has been completed, to conduct the affairs of this State with a smaller number of Ministers who, in turn, may be able to administer their particular Departments at much less cost of time than is at present the case. But I do say that, in considering the question of the salaries that may be paid to Ministers, that one ought now and then stand up against an unbalanced public view. If there be such, it must be nurtured to a large extent by the weakness of persons who are not able to appreciate the size of the job Ministers have got and the size of the job they have accomplished.

We are not placing in comparison a Minister's salary with the allowance of an Old-age Pensioner. We regret—every member of the Ministry regrets—very much indeed the necessity for effecting economies from such a service of the State. You would not get any economy worthy of the name by a deduction of 10 per cent. from the Ministers' salaries, and in effect it would be misleading the public to say that we had ourselves borne the same cut. The proportion would not be the same. The actual effect upon the pockets of the Ministers would not be the same. At no time, I suppose, would

it be necessary to cut their expenditure to the extent that they would be short of, say, a glass of wine or a cigarette or a meal, whereas the same thing may happen in regard to the old age pensioners. In this matter of Government, one must consider all the complexities of the case and one must remember that, while a Minister is reputed to have £1,700 a year, and actually handles something like £1,400, the drains and demands on that £1,400 make his salary not very much more than the ordinary Higher Executive Officer of the Civil Service. And possibly the Civil Servant has the amount with much greater certainty, because a Minister never knows what demands may be made on his purse. Some of these demands he cannot possibly refuse. The question to my mind has been admirably—and I may say very generously—dealt with by the Leader of the Opposition.

If there is one man in this assembly who has a serious responsibility to those who placed him there it is the Leader of the Labour Party, Deputy Johnson, because those who returned him here, and who worked for him may, I think, resent persons having salaries running into four figures when their own terms of employment may be very insecure, if there are any at all. It ought not to be forgotten that to the service of the State and to either Houses comprising the Oireachtas there ought to be attracted the very best material there is in the country, and it must be remembered that even good material is not always free from some taint or some complaint. If you get really honest and able men attracted to the service of the State I say they ought to be paid, and it would be very poor reward for the service these men rendered during 6 o'clock. strenuous and hard times to say at the end of that period: "You have done your job fairly well, but your salary must be reduced."

*Amendment put.*

The Dáil divided: Tá. 11; Níl. 66.

Pádraig F. Baxter.  
John Conlan.  
Seán de Faoite.  
Connor Hogan.  
Tadhg S. Ó Donnabháin.  
Seán O Duinnín.

Tá.

Donchadh S. O Guaire.  
Mícheál O hÍfearnáin.  
Domhnall O Mocháin.  
Patrick K. Hogan (Luimneach).  
Nicholas Wall.

Níl.

Earnán Altún.  
Earnán de Blaghd.  
Seamus Breathnach.  
Seán Buitléir.  
Seoirse de Bhulbh.  
Próinsias Bulfin.  
John J. Cole.  
Henry Coyle.  
Louis J. D'Alton.  
Máighread Ní Choileáin, Bean Uí  
Dhrisceóil.  
Patrick J. Egan.  
Osmond Grattan Esmonde.  
Darrell Figgis.  
Henry J. Finlay.  
Desmond Fitzgerald.  
John Good.  
David Hall.  
John Hennigan.  
William Hewat.  
Tomás Mac Artúir.  
Seosamh Mac a' Bhrighde.  
Alasdair Mac Cába.  
Domhnall Mac Cárthaigh.  
Liam T. Mac Cosgair.  
Seamus Mac Cosgair.  
Tomás Mac Eoin.  
Pádraig Mac Fadáin.  
Risteárd Mac Fheorais.  
Pádraig Mac Fhlannchadha.  
Pádraig Mac Giollagáin.  
Seán P. Mac Giobúin.  
Seán Mac Giolla 'n Ríogh.  
Seoirse Mac Niocaill.

Liam Mag Aonghusa.  
Pádraig S. Mag Ualghairg.  
Martin M. Nally.  
Tomás de Nógla.  
John T. Nolan.  
Peadar O hAodha.  
Mícheál O hAonghusa.  
Ailfrid O Broin.  
Cristóir O Broin.  
Seán O Bruadair.  
Próinsias O Cathail.  
Aodh O Cinnéide.  
Tomás O Conaill.  
Aodh O Cúlacháin.  
Eoghan O Dochartaigh.  
Seamus N. O Dóláin.  
Eamon O Dubhghaill.  
Peadar S. O Dubhghaill.  
Pádraig O Dubhthaigh.  
Eamon S. O Dúgáin.  
Aindriú O Láimhín.  
Seamus O Leadáin.  
Thomas O'Mahony.  
Domhnall O Muirgheasa.  
Tadhg O Murchadha.  
Pádraig O hOgáin (An Clár).  
Ailfrid O Raithile.  
Seán M. O Súilleabháin.  
Andrew O'Shaughnessy.  
Seán Príomhdhail.  
William A. Redmond.  
Liam Thrift.  
Seamus O Murchadha.

Amendment declared lost.

Question—"That Section 4 stand part of the Bill"—put and agreed to.

## SECTION 5.

"Nothing in this Act contained shall derogate from the collective responsibility of the Executive Council as provided by the Constitution notwithstanding that members of the Executive Council may be appointed individually to be Ministers, heads of particular Departments of State."

**Mr. COLOHAN:** I move to delete this Section. This Section merely re-enacts Article 54 of the Constitution and is open to the same objection as the last sentence in Sub-section (1), Section 3. I hope there are no doubts in the Attorney-General's mind as to some of these Sections not infringing the Articles of the Constitution. It seems

to me that this Section is unnecessary. Therefore I move its deletion.

**ATTORNEY-GENERAL:** This is even more necessary than the proviso to which Deputy Johnson took exception, and for this reason: it would be a bad thing to lay down any such rule as that we must not mention the Constitution in any of our Acts. For my part, responsible for the drafting of Acts here, I could not accept that principle. The reason for this particular provision, and what makes it quite necessary is this: For the convenience of the administration of the various Departments, the Minister who is at the head of the Department is given an individual capacity in relation to doing a number of acts, which for the most part he does by order under seal. The property of the State vests in him, as an individual corporation. It is neces-

sary, while giving him that individual capacity and status for dealing departmentally, to show that that is not in conflict with the political collectivism of the Executive Council, and in my opinion this provision is absolutely necessary.

**Mr. JOHNSON:** That is a legal opinion. I bow. I cannot understand it.

Amendment put and negatived.

Question: "That Section 5 stand part of the Bill," put and agreed to.

### SECTION 6.

"There shall be vested in the Attorney-General of Saorstát Éireann (who shall be styled in Irish *Priomh-Aithne* 'Shaoirstáit Éireann and shall be appointed by the Governor-General on the nomination of the Executive Council) the business, powers, authorities, duties and functions formerly vested in or exercised by the Attorney-General for Ireland, the Solicitor-General for Ireland, the Attorney-General for Southern Ireland, the Solicitor-General for Southern Ireland, the Law Adviser to the Lord Lieutenant of Ireland, and any or all of them respectively, and the administration and control of the business, powers, authorities, duties and functions of the branches and officers of the public services specified in the Ninth Part of the Schedule to this Act, and also the administration and business generally of public services in connection with the representation of the Government of Saorstát Éireann and of the public in all legal proceedings for the enforcement of law, the punishment of offenders and the assertion or protection of public rights and all powers, duties and functions connected with the same respectively, together with the duty of advising the Executive Council and the several Executive Ministers in matters of law and of legal opinion."

**Mr. DARRELL FIGGIS:** I move amendment 22, to delete the Section. The amendment is that the Section be deleted, not that it should be merely amended. I want to make it clear that

in moving for the deletion of this Section I am not touching at all, or dealing in any way, with the existence of the office of the Attorney-General, but merely that if it should be judged wise and necessary for a good reason that such an office shall exist, as distinct from the Minister for Justice, then that office should be provided for separately in a Bill of its own. I do not propose to develop this at very great length. I am rather reminded of a story of a French mayor who was called on to show cause why he surrendered his town without firing his cannon. He filed fifty-two reasons, and the fifty-second reason was that he had no cannon to fire. I will dispense with fifty-one reasons and come to the last, which is that I am fortified in my conclusion that this Section should not form part of the Bill by the opinion to that effect of the Attorney-General himself, as the drafter of this Bill, because the Bill is entitled, "The Ministers and Secretaries Bill." That is the short title. The other title is:

"an Act for constituting the Ministers and Departments of State in Saorstát Éireann pursuant to the Constitution, and for enabling the appointment of Parliamentary Secretaries and other purposes incidental thereto."

I have already put it before the Ceann Comhairle that if this Section were to stand, as part of the Bill, the title would have to be amended, but inasmuch as the title stands, as it does, it was clearly the belief of the original drafter that this Section should not stand part of the Bill, because this Section is not consonant with the title.

I do therefore urge, on separate grounds altogether, that any creation of the Office of Attorney-General should be a creation with its own Bill. It should be under its own separate Bill, and it would deal with the matter far more fully, setting forth the services and functions to be attended to by such an officer, far more completely than could possibly be done under one single section of a Bill mainly devoted to other purposes and the title of which is confined to other purposes, not including the purposes set forth in the Section. For this reason I urge that this Section should be deleted from

[Mr. Darrell Figgis.] this Bill, and that the whole question of the work to be done by the Attorney-General, and the creation of the office of Attorney-General and a matter that is not dealt with in this Bill at all, a matter that the Attorney-General would be inclined reluctantly to admit—the remuneration of the Attorney-General—would be dealt with in such a Bill, dealing separately with the existence of such an Officer of State. I think it was the President himself, or it may have been the Attorney-General, who stated that the Attorney-General was not a Minister and was not a Parliamentary Secretary. But in a Bill dealing with Ministers and Secretaries it is a very excellent thing that the Bill should be confined to Ministers and Secretaries, and that the Attorney-General should be given the privilege, which he could so well fill, of taking an entire Bill to himself.

**MR. O'CONNELL:** I also had an amendment to this matter, and my reason for putting down the amendment has been practically stated by Deputy Figgis. It is because it does not seem to fit in with the provisions of the Bill. The Attorney-General is not a Minister. Or is he a Minister? We do not know; it is not clear to us. It is a Ministers and Secretaries Bill. The Attorney-General has the status of a Minister or Judge inasmuch as he is appointed by the Governor-General, on the nomination of the Executive Council, but there is nothing to show whether he is, or is not, to be a member of the Oireachtas, or in what other way he is eligible, or must he be a member of the Oireachtas in all cases? That is not stated, nor what is to be the length of his office, or whether he would go out of office with the Executive Government, whether it is a political appointment or a purely legal appointment. There is, too, the question of remuneration, which is absent from this Bill. On the whole, I think that while I agree that there is a necessity for such an officer, his position should be defined, and defined at much more length, in a special Bill.

**ATTORNEY-GENERAL:** This Section does not create the office of Attorney-General. The office itself is an old

common law office that has existed, under the system of law that we have taken over, for a very long period of centuries. I believe that it dates back to the earlier part of the 13th century. It has no statutory origin whatever. Its functions practically are represented by its name. The Attorney-General was an agent originally for the King, and now represents the Crown and State in all legal proceedings. I did say that the Attorney-General was not a Minister, not because he is Attorney-General. That does not make him one of the Ministers named in the Constitution. He may be a Minister, or he may not. In England, however, the Attorney-General is, in point of fact, called a Minister. He is given in the list of Ministers. He may not be a Cabinet Minister. Here he is not necessarily one of the twelve ministers named in the Constitution, unless he happens to be one that is selected by the President of the day to be one of his Executive Council.

Therefore, what I meant, in the statement to which Deputy Figgis refers, is this, that his office does not in itself make him one of the twelve Ministers. He may be outside the Dáil altogether. The functions of the office are settled and clear. He represents the Executive in all legal proceedings; he prosecutes on behalf of the Executive in all criminal matters, and in prosecutions for State he is responsible for defending public rights. For instance, in any matter that may affect a public right of way, or a public highway, no one can proceed without his intervention on behalf of the public.

What this Section does is, it transfers to him a number of functions that were formerly vested in the previous Attorneys-General, first for all Ireland, and then for what was called Southern Ireland, and so on. A great number of these functions are statutory, and it appeared right that they should be transferred and vested in the Attorney-General of the Free State by Statute. It is an office closely attached to the Executive. It is a Ministerial office, and it is properly in this Bill, though I agree with Deputy Figgis that probably it would be nicer, as a matter of draftsmanship, to amend the title by insert-



ing a reference to it, though I doubt if that is necessary. However, I propose, in order to meet these particular finesses, to put that matter right by introducing an amendment in reference to the title.

The appointment by the Governor-General follows on the advice of the Executive Council, because it is essential to have the office to complete the Executive, so that it may not be possible in Court to take, as a point of objection, that the whole Executive authority is not represented in the Attorney-General in any particular proceeding. This Section is really one which transfers, so far as may be necessary, the various duties and functions and business of that office as it has existed. It would be an enormous task to go through all the Statutes. There are an immense number of Statutes in which the office of Attorney-General is referred to for one purpose or another. I think this Section effectually completes the office as it is necessary now in the Constitution.

**Major COOPER:** There is one point which neither the Bill nor the speech of the Attorney-General has made clear, and that is whether the Attorney-General is or is not a Minister. I think the proposed amendment, which the Attorney-General has spoken of introducing, would make it more clear that he is not a Minister. If this is called a Minister, an Attorney-General and Secretaries Bill, it would be obvious that the Attorney-General is something different from a Minister. The matter is one of considerable importance, because under Article 57 of the Constitution every Minister shall have the right to attend and be heard in Seanad Éireann. If the Attorney-General is not a Minister, then when the Courts of Justice Bill comes before the Seanad next week, he will have no right to go in there and explain it, and we know he is best able to do that. I think it should be made clear that he is a Minister attached to the Executive Council. He had better give that point some consideration before the Report Stage.

On the Second Reading of this Bill the Attorney-General referred Deputy Redmond to Anson's "Law of the Constitution."

stitution" for information as to the functions of the Attorney-General. I have no doubt that Deputy Redmond, being a barrister, did not need the references. I am always grateful to the Attorney-General for his efforts to direct me. I got hold of Sir William Anson's "Law of the Constitution," and I found, as the Attorney-General pointed out, that he is really the King's Attorney-General, which is an historical position. He is not the President's Attorney-General; he is the Governor-General's Attorney-General. The reason the post of Attorney-General exists is, according to Anson, because the King or his representative were not competent to plead in Court as they did not know the law. That scarcely exists in this case. I think Sir William Anson did not contemplate such a case as now exists here. The deduction I draw is that we are facing a new Constitution which Sir William Anson never contemplated when he wrote his book, and it is not profitable for us to go delving about in a constitutional past with reference to a Constitution which has no connection with ours.

Sir William Anson's dictum is that the Attorney-General should not be a member of the Inner Council. That has since been violated in Great Britain, and it is violated here. The Attorney-General is really wasting our time when he refers to archaic works of that description. We might be better employed in studying Whittaker's Almanac.

**ATTORNEY-GENERAL:** In point of fact Sir William Anson's Book is not an archaic work. It is the most recent work on the British Constitution, but, of course, not on the Constitution of the Free State. The next edition, I should think, will bring it up-to-date. I referred to Anson with reference to the position of the Attorney-General in England, which was referred to here by Deputy Redmond. He referred to the knowledge he had gained by sitting on the Benches in Westminster, where he came in contact with that great personage. He tested our debate by the knowledge he had gained that way. I suggested he might have made his knowledge more accurate by reference to the standard work of Sir William

**[Attorney-General.]**

Anon. The position of the Attorney-General in the Dominions is slightly different. The Attorney-General in England is directly the Attorney-General for the King, appointed by Letters Patent. The Attorney-General in the Dominions is the Attorney-General of the Executive Government of the Dominions. That is stated in other authoritative works on the subject. I do not quite know to what point Deputy Cooper was directing his remarks—whether or not it was to the deletion of the office from this Bill. As regards the position of the Minister, it would be impossible for me to introduce an amendment in this Bill providing that the Attorney-General shall be a Minister, because I should be assuming to myself two prerogatives of the President, one the power of appointing Ministers, and the other the power of removing them, his quota being complete. It is impossible to put in a provision of that kind. The fact is he is not of necessity a Minister, but may be a Minister, while at the same time it is a Ministerial office.

Now, as regards the Privy Council, the Attorney-General in England never used to be a member of the Privy Council, and the great distinction in Ireland was that the Attorney-General always was of the Privy Council; and that accounts for the peculiar difference between the position of Judges in Ireland and Judges in England. They are members of the Privy Council in Ireland because they first filled the office of Attorney-General, and consequently, on appointment to the Bench they remain members of the Privy Council, and in that way become associated, most improperly, with the Executive Government. In England they are not members of the Privy Council and consequently are not in touch with the Executive Government. For that reason, Judges in England have Knighthoods, but not in Ireland, because the precedence attached to the office of Privy Council was greater than that attached to the holding of a Knighthood. I do not think I could introduce an amendment, or suggest to the President an amendment to make the Attorney-General necessarily a Minister, because he is not necessarily

a member of this Dáil. But if some future President has in his Cabinet a person capable of being Attorney-General, then, when constituting his Ministry, that future President may make the Attorney-General a member of the Executive.

**Major BRYAN COOPER:** A Minister may not necessarily be a member of the Dáil.

**ATTORNEY-GENERAL:** But an Executive Minister?

**Major BRYAN COOPER:** My point was that the whole thing requires more exact definition than it can get in this clause, and that the deletion of this clause would render the substitution of another clause necessary on Report Stage, where we could have a much fuller and more intelligent understanding than merely being referred to constitutional works.

**ATTORNEY-GENERAL:** This Section does not refer to constitutional works. Save by an amendment of the Constitution—I do not think it would be by this or that Bill—would it be possible to provide that the Attorney-General must be an Executive Minister because he must be an Executive Minister or one outside. It would be impossible to have the Attorney-General appointed by the Dáil in the way of an outside Minister if he is to be a legal Attorney or representative of the Executive.

**Mr. HEWAT:** I have always looked with great respect upon the law, as being formidable to the ordinary layman; but, in connection with the discussion here in respect to the Attorney-General, my respect for the law has largely increased, and my awe of the position of the Attorney-General is more profound than it was ever before. The Attorney-General, I gather from him, is and is not, was and was not an illusory person with undefined power going back to prehistoric times, derived from no Statute. Altogether, he is a most interesting personality, and, as I say, I shall look upon him with greater awe and greater respect than ever before.

**Mr. JOHNSON:** The Section as it

stands followed by the explanation of its meaning by the Attorney-General rather bewilders me more than any other Section in the Bill. I gather from the Attorney-General's statement that, whether we knew it or not, there was always an Attorney-General. I wonder am I right in saying that when we had a Legal Adviser we had an Attorney-General; that when we had no Legal Adviser we still had an Attorney-General. May I ask the Attorney-General whether I am right or not?

**ATTORNEY-GENERAL:** Does Deputy Johnson refer to a period when my title was that of Legal Adviser to the Provisional Government? Because, during that period I had an express appointment of Legal Adviser to the Provisional Government, and also exercised the functions of Attorney-General.

**Mr. JOHNSON:** Who exercised the functions of the late Attorney-General? There had been an Attorney-General appointed after the usual method by the British authorities. The functions of the Attorney-General were carried through by the legal advisor to the Provisional Government. The Attorney-General now tells us that this office is a continuous office, that he was the advisor in general to the Government for the time being, the Crown, as it might have been, or the Executive for the time being. We are asked to assume now that there has been, in some informal way, an appointment of Attorney-General. This Bill says nothing about a Department of the Attorney-General, but says that the Attorney-General, who has not been created by the Oireachtas in any way, as far as I can understand, is assumed to exist there, I was going to risk saying, from the beginning of time. He is assumed to have existed and continued, notwithstanding the fact that the Dáil or the Oireachtas never appointed him, and that person is to take upon himself certain duties. There is a parenthesis here that the Attorney-General, who is presumed to have existed always, shall be appointed by the Governor-General on the nomination of the Executive Council. The

casual way in which this appointment is referred to is rather amusing, and I think if any section of this kind is to be inserted in the Bill, it ought to take the place of a formal declaration, to the effect that the Oireachtas intends to appoint, or at least to institute, the office of Attorney-General. That is not done in the Bill, but we are led to believe by the Attorney-General that we are to assume the existence of this office, and then say that whoever is placed in that office shall have certain duties, including the duties and functions formerly vested in the Attorney-General for Southern Ireland.

I wonder could we have some information as to who that person was when he was appointed, or is it again that there always was such a person, that he was never appointed and was never created, but existed from time eternal. I think that the Dáil would be interested to know whether that is the position, and if it is not the position why are we asked to insert this phrase: "The Attorney-General for Southern Ireland, and the Solicitor-General for Southern Ireland." There may be legal and constitutional reasons for putting in this phrase describing persons who, I believe, never existed, but I think there is no reason for assuming the existence of the Attorney-General of Saorstát Éireann who was neither appointed nor created.

**ATTORNEY-GENERAL:** With reference to the unfortunate necessity for referring to the so-called Attorney-General for Southern Ireland, the geographical place, Southern Ireland as such, none of us ever accepted, but certain Statutes were passed by the British Parliament, and under a certain Statute which we never recognised here, but still it was on their Statute Book, certain individuals did claim to hold this particular office.

**Mr. JOHNSON:** Name.

**ATTORNEY-GENERAL:** I think the last holder who claimed to be Attorney-General for Southern Ireland was Mr. T. W. Brown, who is now a Judge in Northern Ireland.

**Mr. JOHNSON:** Was he appointed by the Government of Southern Ireland?

**ATTORNEY-GENERAL:** He was appointed by the Lord Lieutenant. He certainly claimed that office under that particular Statute, and by that Statute the functions of the former Attorney-General for Ireland went to him. When one says that the office existed, as regards the Provisional Government period, the matter is readily explained. In the Dominion Constitutions the Crown has an Attorney-General in every Dominion technically. It is important that that Attorney-General shall be the Attorney-General of the Executive of the Dominion. During the Provisional Government period the position that was always taken was that the Provisional Government itself had all the functions vested in it of government administration, and that the Lord Lieutenant had no function that he could exercise during that period; and the particular designation or style of the office which I had the honour to hold under the Provisional Government, owes its explanation to that fact.

The office existed of necessity, that is to say the necessity of the Executive taking executive action in the Courts being parties to proceedings and prosecutions, and in that sense it has grown up and become recognised, as legal people say, by the common law as distinguished from having any statutory origin. It is in that sense that I am to be understood to have said that it previously existed. It is now claimed here that as in the case of other Dominions the officer will be appointed on the recommendation of the Executive of the Saorstát.

**Mr. DARRELL FIGGIS:** I think the discussion on this amendment has rather proved the desirability of the purpose that inspired it, and that is that this matter being, as the Attorney-General has admitted, so vague it ought to be more clearly defined, and ought to be dealt with more fully than it can be dealt with under a section of a Bill dealing with another subject. No one could have a higher respect than I have for the common law; the respect can strictly be described as vast, because it must be commensurate with the subject itself, which is vast and also inchoate. But because there is such a

thing as common law in existence for a body of law that has no statutory origin, I think it would be difficult to argue that the same justification can be made for the existence of an officer that has no statutory origin. This is purporting to give statutory origin to that officer. He cannot, after the enactment of this Bill, claim a non-statutory origin. If this Bill passes with this Section in it, he will clearly take a statutory origin as from its passage in this Dáil. Clearly then, if he is going to take his stand on a Statute hereafter, as distinguished from his stand before in common law, then let that Statute be ample, complete and adequate enough for the existence of his office, and that is why I urge that seeing that this matter is now going to be taken away from these Ansonian methods, and is going to be brought clearly into a statutory definition, that that statutory definition be sharper and more precise than it is here in this Section, sharper and more precise than it could possibly be in a Bill dedicated to entirely different objects as set out in its title; let a separate Bill be enacted and if it is decided that there should be an Attorney-General, then let it be decided that he should be an Attorney-General of the Executive Council appearing for the Executive Council. That is a matter that I need not develop at any length, because it touches on subjects of some contention, but let him be the Attorney-General of the Executive Council, appearing purely on behalf of the Executive Council. For whomsoever he appears, and in whatever capacity he appears, seeing that he is now going to stand distinct from the Attorney-Generals in other States, let his status be clearly defined in a separate enactment, and it should set out the Attorney-General's exact prerogatives and duties such as has not been done in this Section.

**ATTORNEY-GENERAL:** It has been stated that the Section does not cover all the functions that appertain to this office. Let anyone point to anything that has been omitted. I submit that the Section is so worded as to cover in efficient and descriptive fashion the functions, powers and duties and so on

attached to the office. I will defer and bow to Deputy Figgis if he will produce to me something that has been omitted. I submit this Section is a complete description of the office that exists. This Section defines the manner of the appointment and the manner in which it is to be made. The office exists, and as such has been recognised in the Courts, and this Section covers all the various matters which have to be vested in the holder of that office.

**Mr. DARRELL FIGGIS:** I have been challenged and asked a question. I now ask the Attorney-General if he is the Attorney-General of the Executive Council of this State, and if so why that is not stated in the Section?

**ATTORNEY-GENERAL:** He is the Attorney-General of the State, the Attorney-General of the Executive, and of the Executive Government.

Amendment put and negatived.

**Mr. JOHNSON:** I beg to move amendment 23:

To delete all words from the beginning of the Section down to the word "Council" in line 14, and to substitute therefor—

(1) "It shall be lawful for the President of the Executive Council to appoint a person to be Attorney-General of Saorstát Éireann (who shall be styled in Irish "Príomh-Aidhne Shaoirstáit Éireann") in whom shall vest on his appointment."

The object of the amendment is to remove the apparently casual form of the appointment and to make it a clear declaration in the Bill that there shall be appointed an Attorney-General, or, rather, that it shall be lawful for the President of the Executive Council to appoint a person to be Attorney-General. The Bill as it stands rather puts in a parenthetical way the fact that the Attorney-General shall be appointed by the Governor-General on the nomination of the Executive Council. The amendment gives the power to the President to make this appointment. The common law establishment of this office I do not think would be affected by the fact that henceforward, if this amendment is carried, the appointment of the person to that office will be in

the hands specifically of the President. The office exists and the filling of the office is a smaller matter. If the amendment is accepted, then the President shall appoint the person to fill the office.

**Mr. GOREY:** On a point of order, I do not think there is a House.

**AN LEAS-CHEANN COMHAIRLE:** Yes, there is a House. There are nineteen and the Leas-Cheann Comhairle. That is twenty.

**Mr. JOHNSON:** The plan of the Bill is to establish certain Departments and give the various heads of these Departments certain functions. The Attorney-General has told us that the office of Attorney-General is one that is generally accepted as being established by common law and the amendment seeks to give authority to the President to make the appointment of the person who is to fill the office. It also would have the effect, perhaps, of reducing the status of the Attorney-General somewhat. He would not be appointed by the Governor-General, would not be in the position of Judges or Ministers. I think it is, perhaps, desirable that the Attorney-General should be the Law Adviser and the custodian of these rights and responsibilities that have hitherto resided in Law Officers and Attorneys-General, but that he should be quite distinctly the officer of the Council or of the Government, not a member of the Government. The effect of the amendment would be to minimise somewhat the status of the Attorney-General, to reduce his position in relation to Ministers, and it would throw the right of appointment upon the President as distinguished from only the right of nomination.

**ATTORNEY-GENERAL:** This really is not a question of status. It is a question of having the Executive effectively represented, and I need not remind Deputy Johnson of the technical position under the Constitution. I think it is necessary the appointment should be made in this way in order that the Executive Government should be fully represented in any necessary proceedings. It is solely from the point of view of fully representing the Executive

**[Attorney-General.]**

Government in proceedings that the appointment is made in that way or proposed to be made in that way. It has nothing whatever to do with status or relative status — nothing whatever. Were he outside the Dáil, he would be just the same. It is entirely from the point of view of having the full sanction of the Executive of the day—theoretic and actual—and representing them fully in his capacity of an Attorney.

**Mr. JOHNSON:** Am I to understand that in the view of the Attorney-General, unless the Attorney-General is appointed in the way described in the Bill that he would not be able to act with the authority that is necessary?

**ATTORNEY-GENERAL:** I fear that technical objection might be taken.

**Mr. JOHNSON:** I cannot pretend to argue these legal points, and I am not going to try on a matter of this kind, which is of very great importance I have no doubt, to controvert the position of the Attorney-General. So far as this amendment is concerned I beg leave to withdraw in deference to his statement as to the possible effect of the amendment.

Amendment by leave withdrawn.

**Mr. JOHNSON:** I beg to move:—

“In line 30, to delete the word ‘Executive.’”

This amendment perhaps would not be required to be pressed if the Attorney-General makes a similar explanation, but I do not think he can. The object of the amendment is to eliminate the word “Executive” before “in matters of law and of legal opinion.” Quite apart from the description, which I think is a faulty one, of “Executive Ministers” as meaning Ministers who are members of the Executive Council—inasmuch as all Ministers are Executive Ministers I take it—I am at a loss to understand why the advice of the Attorney-General and General Adviser in legal matters of the Government of Saorstát Eireann should be confined, in matters of law and of legal opinion, to those Ministers who are members of the Executive Council. It seems to me that if a matter of importance in con-

nection with, shall I say, the Department of Agriculture, arose, that the Minister in charge of that Department should have the right to call upon the Attorney-General for advice in matters of law and legal opinion. If the Bill remains in its present form that right would not reside with Extern Ministers unless the meaning is in this Section that Executive Ministers are all Ministers. Perhaps the Attorney-General would help us on that point.

**ATTORNEY-GENERAL:** Of course “Executive Ministers” always means members of the Executive Council. We have in several cases here recently used as a convenient phrase to describe members of the Executive Council, without having the whole circumlocution imposed on the printer and draftsman, the phrase “Executive Minister.” In fact all Ministers do have recourse to the law department, and cases and files come in from all these departments, but it is possible that an External Minister, who is responsible only to the Dáil, might be in conflict with the Executive, which includes the all-potent Minister for Finance, and in case of conflict it would be impossible for the Attorney-General to advise the External Minister as against a member of the Executive Council because his primary business is as representing the Executive. That is the explanation. While in fact he is at the call of any Minister, and from day to day in touch with all of them, the occasion might arise when he would be torn between an External and an Internal Minister calling upon him for opinion.

**Mr. JOHNSON:** That does not meet the case, I think. The duty I am referring to is that of advising the Executive Council, and the several Executive Ministers, “in matters of law and legal opinion.” This does not impose on the Extern Ministers the duty of following that advice. If that Minister does not apply for advice then, unless the Attorney-General were acquainted with the facts, he cannot be said to be failing in his duty. What I seem to see in this is that its undesigned effect, perhaps, will be to relegate the  
7 o'clock. non-Executive Ministers to a position where they could

not call upon the Attorney-General for advice; that it still leaves the Executive Ministers in that position of detachment, or, shall I say, leaves non-Executive Ministers in a position somewhat of inferiority. I want to guard against that interpretation. If it is the practice for the Attorney-General, at all times, to give advice when asked, in matters of law, to all Ministers, then I submit the case for crossing out the word "Executive" is complete.

**ATTORNEY-GENERAL:** There is, perhaps, really not a great deal in the objection to striking out the word "Executive" beyond the possibility of conflict. The Attorney-General might find himself in this position, that while advising the Executive as to the action the Executive should take, the External Minister who might be taking another line of action would have all the cards on the table. In that way there might be conflict. In fact, so far as mere advice and opinion go, all Ministers have recourse to the Department for advice. I am not disposed really to oppose the elimination of the word in that way.

**Mr. JOHNSON:** I would like to add that one can see possibilities of acute differences between a member of the Executive Council and a Minister not a member of the Executive Council. If such a Minister, outside the Executive Council, has not the right to call upon the Attorney-General for legal advice, then his position would be an unfair one, and the Attorney-General, in refusing to give that advice, would be supported by an Act on which he would rely, containing this Section, confining his duty to giving advice to Executive Ministers.

**Mr. O'CONNELL:** I cannot conceive how the position that the Attorney-General speaks of could possibly arise. Assuming that there is some matter in dispute between an External Minister and, say, the Minister for Finance, and that the advice of the Attorney-General is sought, unless I am to believe that there could be two kinds of advice on one given point, I cannot conceive how, if the Attorney-General gives advice, a dispute could arise. Assuming the advice is in favour of the Minister for

Finance, and again: the External Minister, it will be a matter for the External Minister to accept the decision, or to proceed and get other advice and carry his project before the Dáil. Assuming it is against the Minister for Finance, and in favour of the External Minister, then I presume it is just the ordinary advice that the Attorney-General would give to the Minister for Finance in any case.

**ATTORNEY-GENERAL:** On the whole, I am inclined to accept this amendment, reading it more strictly as it is "in matters of law and legal opinion." If it came to be a matter, for instance, of proceedings, and enforcing, or attempting to enforce, any matter as between an External Minister and, say, the Executive, it would be impossible, I think, to expect the legal adviser to the Executive, and their representative in the proceedings, to advise the External Minister how he was to proceed against them. In a mere matter of opinion on principle, reading it in that sense, I am prepared to accept the amendment.

**Mr. JOHNSON:** That is all that is intended.

Amendment agreed to.

**Mr. JOHNSON:** I beg to move:—

To add a new sub-section as follows:—

(2) "There shall be payable to the Attorney-General out of moneys provided by the Oireachtas such remuneration by way of salary as the President of the Executive Council, with the concurrence of the Minister for Finance, may determine. The Attorney-General shall devote his whole time to the duties of his office and shall not receive payment for his services by way of fees or otherwise save as hereinbefore provided."

This amendment seeks to make sure that the Attorney-General shall be paid something for his services; it is not an economy stunt. I do not think the Attorney-General should be asked, considering all things, to carry on his day by day duties without having some provision made for remuneration. This amendment is to ensure that he

[Mr. Johnson.]

shall be paid something, and that what he is paid shall be paid out of monies provided by the Oireachtas. It also is intended to define the position of the Attorney-General. A Law Officer we can understand, but when we are referred to the Constitutional position of the Attorney-General, we must not forget that for a very long time—I am not quite sure if it was so till the end in Ireland—the holder not only drew his salary for his office, but carried on private practice.

The amendment is designed to ensure that that undesirable practice should not continue; that the salary to be paid to the Attorney-General shall be for his whole-time services and that it shall not mean salary, plus fees, for public or private practice. I hope that that argument will commend itself to the Dáil and that at least it will enable us to know where we are with respect to the Attorney-General.

**ATTORNEY-GENERAL:** While I thank the Deputy for the first sentence of the amendment I am afraid the second is quite unacceptable. It is quite impossible to provide that the Attorney-General should be a whole-time officer because, in the first place, it is in the nature of a political office. He is attached to a particular Ministry and if that Ministry—which Heaven forbid—be defeated he would be thrown back on his profession. If he had accepted a whole-time office he would have lost his position in his profession. His position is that of a practising counsel, and while I personally have found it impossible to deal with private practice during the period in which I have been engaged in work for the Ministry—that exceedingly exacting character of the position will probably not continue—no member of the Bar could accept the position as a whole-time office. He could not forfeit his position as a practising counsel. The position as regards private practice is that it may be forbidden as, I believe, in England—latterly the Attorney-General does not take private practice, but in consideration of that he has fees for every appearance in court. Here we arrived at an understanding with the Ministry of Finance

that appearances in court were not to be remunerated by fees but were to be included in the salary that they sanctioned for the office. But the position that would follow from Deputy Johnson's second clause would really be to make the Attorney-General a Civil Servant, and it would be quite impossible.

I do not think that he could really be a member of the Dáil under that second clause, and if one has an inclusive salary for appearances in court and the various other duties that must be discharged, then it must be considered whether one must not be at liberty to accept private practice. I have considered myself entitled to accept private practice, but the demands on my time have not allowed it, and I have had to return a very large amount of work. The question of forbidding private practice must be considered in relation to the question of whether the ordinary fees are to be allowed for appearances in court, but as it stands the second clause would fail in its object, because I do not think that any practising member of the Bar would take the position under these circumstances.

**Captain REDMOND:** On this subject I sympathise with Deputy Johnson in regard to the first portion of his proposals, and, on the other hand, I sympathise with the Attorney-General in his view of the second portion. The Bar is a very old trade union, and, no doubt, the Attorney-General would be considered a very bad black-leg if he were to give his time and services as Attorney-General for nothing. But in regard to the second suggestion, that he should be a whole-time officer and not be allowed to engage in any private practice, that would certainly render his position untenable, unless, as the Attorney-General has said, he were placed in the position of a permanent civil servant. It is well known that Attorneys-General, in the past, not only in England, but even in Ireland, amassed considerable wealth, not from the fees derived from the Crown as much as from the private practice they enjoyed during the period of their occupation of that office, and, with the salary as I understand it at the moment, I think the present Attorney-



General is asking almost too little. If fees were to be given for every appearance of the Attorney-General in court, certainly the amount would be considerably over the proposed figure, and the arrangement come to with the Minister for Finance, which has just been outlined by the Attorney-General, is, I think, both a credit to the Minister for Finance in the way of economy and a credit to the Attorney-General for sacrificing what might be his due remuneration. I am sure that when Deputy Johnson put down this amendment he could not have fully realised its purport, and having received the Attorney-General's explanation I hope that he will not press it further. Everyone knows, as the Attorney-General has stated, that the position is a political one, and all political positions are temporary—temporary in the extreme. At any time he may be deprived of his office by the defeat of the Ministry, and it would be asking too much for a person of the practice, ability, and experience suitable for the position of Attorney-General to give up that practice for an uncertain period with no certainty whatever of resuming it. Practice at the Bar is like every other kind of business. If you lose touch with your clients your business goes, and, I am certain that, bearing all these circumstances in mind, Deputies generally will recognise that the position taken up in this regard by the Attorney-General is both a just and reasonable one.

**Mr. JOHNSON :** The attitude adopted rather surprises me, and immediately makes this question one of major importance. Deputy Redmond is unfortunate in his references to trade union practices. A term of opprobrium, which I will not apply to lawyers, is common in the trade union world, when a man who is paid for a certain job is devoting his time to ordinary daily work and then taking home private work. If Deputy Redmond wants to argue this case on grounds of trade unionism he will have to get in touch with some of the people around the Mechanics Hall in Waterford or elsewhere. I do not know, and I do not know that the House knows, what financial arrangements have been made regarding pay-

ment to the Attorney-General, but I ask the Dáil to bear in mind in discussing this question the attitude taken in regard to salaries of Ministers. It was stated as a justification for the salaries fixed that Ministers gave up their ordinary occupation, ran the risk of losing their practice, and because of that they ought to have a certain sum commensurate with the office, and taking into account the risks of monetary loss. But who will be impressed for a moment with the argument that a barrister who has been appointed to the office of Attorney-General on relinquishing that office has thereby suffered in his reputation amongst the legal profession? The impression amongst laymen at least is that the fact that he has been chosen for the office of Attorney-General enhances his position when he resumes practice at the Bar. I do not think there is very much in the plea of Deputy Redmond that the acceptance of office means a loss of subsequent practice. I think it has been looked upon as a scandal in England, and in Ireland too, that Attorneys-General and Solicitors-General should be able to draw the amount of money reputed to have been paid to them. I think a very notorious person lately announced that he had sacrificed a great deal of money by accepting a judgeship, an office which he held up to recently, and that he was able to make £40,000 a year at the Bar. I do not think the most ambitious or imaginative lawyer thinks that fees amounting to that would be available in this country, but it seems to me that if a barrister is prepared to accept the office of legal adviser, or Attorney-General, that he should be asked and required to devote his whole attention to the work of that office. If his time has to be occupied with private practice, what assurances have we that he is giving sufficient time to the elaboration of his case when it is a State case? His interests may be divergent; he may be looking to the future, and he may say that this particular client will have big cases coming on after he has lost his office, that he must devote special attention to this case, and, as a consequence, he would devote less attention to the requirements of the State.

[Mr. Johnson.]

The question of fees for State services again seems to me to leave us in the position that we do not know what our law will cost, and that if we are to have an officer of the legal profession who will advise, and take upon himself the responsibilities of Attorney-General, he should be paid a sufficient sum to attract the best men, or at least good men, who are willing to serve the State without having to hold out inducements that not only are they to get State work and fixed salary for State services, but are to look for the emoluments of fees for every case in which they appear for the State, and in addition such private practice as they can gather to themselves.

If the practice of the past in Ireland led to abuses, which abuses were difficult to overcome because of the strength in the councils of the State of that profession, I think it is very necessary that we should, at the initiation of this business, guard against those evils, so that our successors may not have to undo, at a very much greater cost than would be necessary to-day, the evils of duplicate employment and the taking of salaries as officers, fees as legal representatives in State cases, and private fees for private practice. I would stress upon the Dáil the necessity for defining the position, in the financial sense, of the Attorney-General, and I withdraw what I said in introducing this motion, that this was not an economy resolution. I find now it is very much an economy motion, that it may, and very likely will, save the State a considerable amount of money. On that ground, if on no other, I press the amendment.

**Mr. DARRELL FIGGIS:** I think the argument which Deputy Johnson has brought forward here is very strong indeed, and I am perfectly convinced that the principle is sound. When I first saw this amendment a parallel occurred to my mind exactly in that form, but in a precise instance which I would like to mention. Deputy Redmond, with whom I am unable to agree in this matter, said that the Attorney-General's position was a political one, correctly inferring that it had all the precariousness of a political position.

Let us compare it precisely with the position of the President of the Executive Council. I compare it in this way because we know from the Estimates that the remuneration attaching to the two positions is the same. Suppose a lawyer enters upon a political career and rises by the esteem of his fellow-countrymen to the position of President of the Executive Council, is he to be allowed, while holding that position, and receiving remuneration as President of the Executive Council, to engage in private practice? Is he to be allowed to receive the incidental remuneration that would come to him from that private practice? It should not be tolerated for a moment. Let us assume that the same lawyer becomes Attorney-General, which is also a political appointment. There is nothing fundamentally different between the two. The qualifications may be different, but the qualifications may in the given instance not be greatly different. There have been cases in England where very eminent counsel have chosen rather the more strictly political appointments than the semi-political, semi-legal appointments. If it be a sound principle that a lawyer, raised to the position of President of the Executive Council, is not to be permitted to take any other moneys than those he receives from that office, and if a commercial man who holds certain directorships, on appointment to the same office, has to surrender them—if that principle is sound for one political appointment it should be sound for all. It cannot be said that the position of Attorney-General is more precarious and more political than is the position of President of the Executive Council. In point of fact, it carries greater advantages for the future, as Deputy Johnson has pointed out, because whereas a person filling the position of President has to make a definite, clear surrender of continuity with the past and has to make a new start for the future, all the time the Attorney-General is carrying on his legal continuity. Therefore, when the precarious nature of his position enforces itself by the surrender of his office he stands in a much better position in respect of his future career than he stood in the

past. Deputy Redmond knows the scandal created across the water owing to the large moneys received by law officers of the Government that are not received by purely political officers of the Government. Seeing that both are political in character they should be judged the same. It would be better for the present and for the future if this principle were accepted.

**Captain REDMOND:** I would like to say a word to correct a misapprehension apparently in the mind of Deputy Johnson. When I was referring to trades unions, I was referring to the first paragraph of his amendment, which was that the Attorney-General should be paid. I never in any way suggested that trades union principles applied to the rest of my proposals. In regard to the statement that has been made by Deputy Figgis about the large sums of money which are being paid to Attorneys-General across the water—and I think he might have mentioned here in the past—so far as I understand the present arrangement between the Attorney-General and the Minister for Finance will obviate the possibility of that taking place, because it appears from the Attorney-General's statement that he is not to be paid fees for appearance in Court but rather that the sum fixed is to be a sort of compounded sum which shall include anything in the nature of what otherwise would be paid in fees. That being so, I think that is a very desirable arrangement in the interests of economy. I can congratulate the Minister for Finance and the Attorney-General on its introduction. I must say that I failed to follow Deputy Figgis when he stated that the President of the Executive Council, or a person in his position, say a Prime Minister of England, would not be enabled to hold directorships of companies or to have any interests outside his salary. I never heard such a suggestion made before. It certainly is a well-known principle, which I am afraid has sometimes, or may have sometimes, been infringed upon in England, that no Government Minister should have any interest in a company which would contract directly with the Government, but to say that a Prime Minister, or any other Minister, should derive his income from no

source but his salary as occupant of that office is, I think, stretching the matter rather far. Therefore, I cannot see, to use Deputy Figgis's analogy, why if the President is not confined to the enjoyment of his salary, but is allowed to pursue his own private business affairs in his own way the Attorney-General should not be treated in the same way. The proposal, so far as I know, is that the Attorney-General should be paid a fixed sum. The Attorney-General stated, in reply to a question I asked some time ago, that the sum in this regard was £2,500 per annum. Taking that as inclusive of fees and salary, it is, I think, an exceptionally moderate figure. It certainly would pay this Attorney-General in the circumstances to take even a Judgeship in the Irish Free State, with the moderate salary that that carries. That being so, I suggest that the Minister for Finance and the Government have made an admirable proposal in regard to the position and to the payment of the office of Attorney-General.

**Mr. JOHNSON:** Perhaps the President, when he replies, would tell us what the financial proposal is affecting this office—not the present occupant of the office or the present circumstances. Deputy Redmond has spoken of certain proposals. I have not heard them.

**Captain REDMOND:** They were outlined by the Attorney-General.

**Mr. JOHNSON:** If I understood aright, the Attorney-General said there had been a certain arrangement made in respect of his occupancy of this office. But he also said that that was due to the exigencies of the times, and that there would be perhaps less call upon the attention of future Attorneys-General, suggesting to my mind, at any rate, that the arrangement that Deputy Redmond referred to is quite a provisional one, personal to the present Attorney-General, and by no means binding. I want to make a similar arrangement, plus the deprivation of the right to enter into private practice, for Attorneys-General in future.

**The PRESIDENT:** The arrangement that was made in connection with the

[The President.]

salary of the present Attorney-General was £2,500 per year and no fees in respect of any appearances on behalf of the Government in Court. It appeared to us, at the time, that it was certainly a good bargain for the Government. I do not quite agree with the criticism that has been passed or with the subject matter of this amendment. This office, as is well known, is an office which sometimes has potentialities and at other times has no potentialities at all. Let us take the case of a Ministry with six months to run. They appoint an Attorney-General. He possibly ceases to hold office when a new Government is elected. He has not been provided with a Judgeship. There is no Judgeship vacant, or any other suitable office, and I do not think it would be a good principle to adopt that because a man was Attorney-General he naturally took any vacancy which might arise in the Judiciary. I do say that in so far as the present Attorney-General is concerned, I would have been most happy to have offered him the Presidency of the Supreme Court—the highest office in the State so far as the Judiciary is concerned. But, considering the matter with him, from the point of view of the State, I prevailed upon him to contest South Dublin and to come into the Dáil to give us that assistance here which we required. I am not at all disposed to say that while the salary of £2,500 is considerable that it is excessive, considering that we are taking a man out of his ordinary practice and placing him in a position in which there is no security of tenure and in which there is not, and ought not to be, that natural pilgrimage to the Bench which has been the practice in the past. To treat a man otherwise would hardly be treating him fairly if he be absolutely essential to the State and if the practice he has enjoyed—which would probably very nearly run to the figure we are going to pay him in this case—is thrown into chaos by taking up duty on behalf of the State. I do not think it is at all likely within the next few years that the Attorney-General will have any chance of having private practice. During the whole period of our experience, which very nearly runs into two years, there has not been any

private practice on the part of the Attorney-General. There have been, I understand, arrears of work, which he has not yet been able to clear up. I do not know that it would have been humanly possible for him to have undertaken any private practice. I am not at all satisfied that there is any likelihood of his being able to take up any private practice in the future. It is possible that you might have an Attorney-General admirably suited for that particular office who might not be perhaps as equally suited to the Bench. One cannot regulate those vacancies on the Bench to synchronise with the exit of Governments from power.

I do not think it would be at all advisable that judicial appointment should be looked upon as the reversionary interest of Attorneys-General in the future. We have had experience in the past of rather rapid changes before Governments came into power or went out of power. I think that never really increased the confidence of the people in the Government of the State. My case for not having any prohibition on the Attorney-General having private practice is, that at a particular moment if we require the services of a particular Attorney-General, he should not have to cut himself off from his practice but should be free to take it up should he cease to occupy that office. The cases that have been mentioned of the large sums earned by Attorneys-General in England do not constitute a fair parallel at all. You have there ordered Government extending over a great number of years. You have a very large circle of aspirants for the office to draw from. Naturally about the office there are opportunities for business which are unlikely in a much smaller country like this. I do not expect that at any time now, or within ten years to come, any Attorney-General here could possibly earn more than £1,000 a year outside his salary.

It may seem too much that he should be allowed to earn even that much. But I have been very, very much impressed with the necessity for a particular type of person for this office. It is more than possible that with a change of Government the same attractions might not appear to another person

occupying the same office, or another Executive Council functioning such as we have been functioning, and in that case I think that should the ordinary business of the Attorney-General's office get lighter during the next year or two or three years—and I have no such hope at present—it would be unfair that he should be precluded from getting some connection with the particular class of business which he had been accustomed to transact, before we took him out of it and persuaded him to take up this very thankless and very onerous and responsible position of Attorney-General.

**Mr. JOHNSON:** I would ask the Dáil to remember that we are not dealing in this Bill with the present occupant of this office. I do not know if I am to be accused of being an incorrigible idealist, but I have a high opinion of the average lawyer. I hold that the average lawyer is as likely to be a man willing to serve the State as the average merchant or shop-keeper or a man in any other occupation or profession. We have been rather insisting during the afternoon that Ministers had to give up certain chances in life, but that they were willing to do that to serve the State. They were willing to take risks of certain pecuniary advantage in the service of the State. But now we are told that you cannot get that kind of man amongst the legal profession.

I do not believe it. We were told that lawyers will not sacrifice their private practice though ship-owners or shop-keepers might, or though country solicitors might. We were told that lawyers will not accept a stated salary for the service of the State unless they see a chance of pickings. I do not believe it. I believe there are as many men amongst the legal profession quite willing to give their time to the service of the State for a fair reward as there are in other professions. I believe that it has been found bad in principle and practice that the Legal Adviser—the man who above all is most responsible for keeping the Executive from falling into legal pits—should have one purpose in his work and one interest, and that is advising rightly and not run-

ning the risk even of having conflicting interests placed before him. I say it is undoubtedly true there are conflicting interests coming before lawyers, between clients who may to-day or next year be in controversy with the State. The amendment, the new sub-section, which I propose, does not state what the salary should be. It does not even confine it to £2,500. It says "such salary as the President of the Executive Council, with the concurrence of the Minister for Finance, may determine." If £2,500 a year does not seem to these two Ministers to satisfy the requirements in any particular time, they may agree upon making it £5,000 or £10,000 or £20,000, and when that time comes when the office does not require so great an amount of time a sum quite within the limits of this amendment may be varied. The amendment does not fix the salary of the Attorney-General, but it does seek to stipulate that the Attorney-General shall not be placed in a position which is in truth an inferior position morally to that of any other Minister because we do trust all other Ministers to devote their whole time, interests and services to the office to which they are appointed. In the practice of the past and in the proposal of the Bill, we are assumed not to be able to trust the Attorney-General to devote the time and attention to the business of advising the State, unless he can at the same time be secured in getting such private practice as he can find. I hope the Dáil will accept this amendment and will express its views upon the desirability of leaving the Attorney-General free to take private practice which may be in conflict with his duty to the State or free to take such pickings as legal controversies might place in his way.

**Mr. DARRELL FIGGIS:** There is only one comment I want to make. I would join in saying that in whatever I said I for one had nothing whatever personal in its application to the present occupancy of the Attorney-Generalship. I had hoped that would have been accepted as having gone without saying. Nor did I imagine for a moment that the large additions that

[Mr. Darrell Figgis.] have been earned in England were ever likely to be earned in Ireland. I only referred to it because of the size of those earnings, and because of the kind of comment that they had created. I am perfectly sure that the President will agree—although he did not agree that the amendment is right—that it is desirable to avert that kind of comment if it can possibly be done. It is a comment that can only arise when there are additional earnings of the size that no one knows. I rose mainly to make one statement and it is that the parallel that I have drawn between the position of a Minister and that of the Attorney-General is a correct parallel so far as earnings are concerned.

I am puzzled to understand why Deputy Redmond, who knows those matters very well, should have some doubt about them. I will only refer to a comment made in the *London Times*, some two or three months ago. It was with regard to a recent Chancellor of the Exchequer, who was expected to be brought into the present English Government. The statement was made that if he undertook this post it would entail the surrender of the many lucrative Directorships that he held in the City of London, and therefore it would not be worth his while to do so. If it be sound that the Minister for Finance is compelled to surrender Directorships and additional remunerations of that responsible kind, then the same principle applies to the Attorney-General.

**Captain REDMOND:** I presume Deputy Figgis is referring to Mr. Reginald McKenna?

**Mr. DARRELL FIGGIS:** Sir Robert Horne.

**Captain REDMOND:** In either instance it is, of course, only too obvious that neither of these gentlemen could occupy at the same time the position of Government Minister and also the great commercial position that he now holds. I should say, in the case of Mr. McKenna, that he is certainly drawing a larger salary now from his position as Chairman of one of the biggest, if not the biggest, banks in England, than he would draw if he were Prime Minister

**AN CEANN COMHAIRLE** at this stage resumed the Chair.

**Captain REDMOND:** There is no doubt it would be physically impossible and mentally impossible for any man to occupy the two positions. I do not think it is seriously suggested by that instance that the principle should apply that a Government Minister could not draw his income from any other source than that of his salary, or, indeed, that he could not engage in other classes of work but Ministerial work. He could not certainly engage in such a gigantic task, and one which would require such attention and such energy as well as ability as Chairman of one of England's greatest banking concerns, and at the same time be a Minister. That is very different from saying he could not do his own business, if 8 o'clock. he was a business man in an ordinary way. With all due respect to Deputy Figgis, I do not think that the instance he has quoted in any way increases the validity of his argument.

**Mr. BLYTHE:** The way this matter strikes me is simply that the Minister for Finance, and the President of the Executive Council for the time being, will from time to time be making arrangements with some man who is to occupy the position of Attorney-General. If it happens that the work of the Government is not sufficient to occupy a man all his time, and at the same time if the Government has to get, as it ought to, one of the best men at the Bar, it may be able to get him at a much less salary if he is allowed to carry on a private practice than if he were not allowed to do so. Nothing I have heard in the course of the debate has convinced me that there is any danger to the State in allowing the Attorney-General to take private practice. It does not seem to me that there is anything in the suggestion that he will be thinking of the feelings of some possible client. I do not think a barrister wins his way at the Bar by any other means than by fighting each case to the best of his ability, and getting a reputation for success in, and good management of, cases. Even if he were

to get practice in future by doing his own work well and using his ability to win all the cases on behalf of the Government, rather than to lose them in the hope that he would soothe the feelings of some future client.

**Mr. JOHNSON:** Would the Minister for Justice, if he were a lawyer, as he very likely would be, be free to carry on a private practice?

**Mr. BLYTHE:** I do not think so, but I have not thought over that. I do not think there is likely to be any danger arising. If it is felt necessary that the Government should have the sole services of the Attorney-General in order to get straight advice from him and fair service, then I think the ordinary person who goes to law can have no chance whatever of getting any sort of reasonable service from the counsel they employ. It seems to me there is nothing in the suggestion that there would be danger of neglect or unfaithful service to the State because the Attorney-General would be allowed to take private practice.

I do think, on the other hand, the fact that he might be allowed to take private practice if we were arrived at a time when the Attorney-General would be likely to have sufficient leisure from Government work, that that would enable the Minister for Finance and the Government to drive a harder bargain in the matter of salary.

**Mr. JOHNSON:** May I remind the Minister and the Dáil—it has been quite frequently alluded to in the Courts and announced by judges—that counsel have made a practice, to an extent that is becoming a scandal, of accepting duties and not fulfilling them, and accepting payment for briefs and giving them practically no attention. It is possible, under the arrangement here, to perpetuate that practice.

**ATTORNEY-GENERAL:** May I make a further intervention in this discussion, and I hope that in anything I have said or shall say about it it will be understood entirely that I am speaking as one of the Deputies of the city of Dublin and in no other capacity. It seems to me that the thing that is lost

sight of in the first place in this discussion is this: that the Attorney-General must be a practising barrister during the time that he holds the office of Attorney-General. If he ceases to be a practising barrister then several consequences must follow. In the first place he would lose his right of audience in the Courts, and in the second place he would lose his status and standing at the Bar, so that he might have to come back in the new as if he never had been there. That may amuse Deputy Johnson, but it is a very serious consideration that his whole status and seniority is gone if he comes back owing to the fact that his Government has gone out of office or that he resigns because of a disagreement with them upon some important question.

**Mr. JOHNSON:** Is not his position this: that he has got one client and can still practice all the time.

**ATTORNEY-GENERAL:** As this amendment stands he would be debarred from occupying the position of a practising member of the Bar and he would cease to be able to appear and he would lose his entire position, and the result of his years of labour and so on, and he would have to commence all over again as though he had never been a member of the profession. It is, I admit, possible upon the form in which Deputy Johnson has put his amendment, to frame it differently and exclude private practice, and leave him still his status as a practising barrister. No man would take the position otherwise, and when it comes to excluding a man from private practice it involves a very serious sacrifice, and speaking as head of the profession I say—and I do not think the President meant to convey anything to the contrary—that there are in the profession, as there are in other professions and businesses and occupations, men ready to make sacrifices. I will not say whether the idealist is always the best lawyer—one may have different views upon that subject—but when it comes to the question of the exclusion of private practice it merely becomes a matter of the stipend that will attach to the office, and whether or not the

[Attorney-General.]

occupant of it is to be allowed to conduct cases on behalf of the Government at ordinary fees and ordinary remuneration. It is possible to make the salary such a figure as will make it worth a man's while to sacrifice his private practice. There has been reference here to comments on fees. This reference was made by Deputy Figgis, but in that connection it must be remembered that the comments made on fees were comments on fees earned in Government cases, not in private practice. I never saw any comments anywhere on the income made at the English Bar by men who presumably because of their pre-eminent position, because they were scarce and had a scarcity value were able to extort big fees before they rendered the services they gave.

I have never seen any adverse comments upon that except by the people who could not afford the luxury of retaining them. The adverse comments have been made on the subject of earning fees in Government cases, and that at one time in Ireland was, as a matter of fact, carried to a very exorbitant extent. I remember we used to hear of one particular man many years ago who was so ingenious that he made £50,000 in one year. Under the present arrangement that cannot be done. The question of receiving fees for Government business is one, and the question of retaining private practice is another. The views expressed on these matters have been, in my judgment, very much confused and mixed up in the course of the discussion. I do not know that the position of one who has held office, and no longer holds it, is at all the enviable thing that Deputy Johnson suggests. I have seen ex-Law Officers, men who had gone out of practice under the old regime, come along and take up the position of a Law Officer, hoping that it would lead them to rather enviable positions, but fate belied them, and they returned to their practice. They can say that the position is not an en-

viable one at all. The man who has been in office is not the attractive proposition that Deputy Johnson suggests.

**MR. JOHNSON:** Was that a proof that he was a bad lawyer?

**ATTORNEY-GENERAL:** The thing to be remembered is that at the Bar, as in other things, and especially among leaders of the Bar, there are fashions. I know of one member of the Bar, now a very eminent Judge, who at the zenith of his practice at the Bar retained a very small position which brought him in about £20 a year. He was rather noted for his desire to accumulate money, but someone put it to him and asked him why he kept this small position which might have gone to some man who needed a small annual sum of that kind. He said that he lived from day to day and in real dread of going out of fashion. So that, in addition to merit, a Barrister sometimes succeeds because of his industry, and industry succeeds to a considerable extent. There is another element, and it is that I think uncertainty rather rests upon the man who has held office and no longer does so. However, the issue really here is first of all, as to the form in which Deputy Johnson's amendment stands. If it were inserted in the Bill no member of the Bar could accept office, and I myself could not continue to hold office. The other matter is a matter that is a rather delicate one for me to touch upon. It was dealt with by the President as to whether there should be a statutory prohibition on receiving private practice, rather than an arrangement made from time to time with the Minister for Finance measuring the stipend accordingly. It seems to me that the arrangement indicated by the Minister for Finance and the President is really the most workable and satisfactory. As things stand it is not possible to accept or to attend to private practice.

Amendment put.

The Dáil divided: Tá, 14; Níl, 47.



Seán Buitléir.  
John Conlan.  
David Hall.  
Tomás Mac Eoin.  
Risteárd Mac Fheorais.  
Pádraig Mac Fhlannchadha.  
Tomás de Nóglá.

Tá.

Tomás O Conaill.  
Aodh O Cúlacháin.  
Liam O Daimhín.  
Eamon O Dubhghaill.  
Domhnall O Muirgheasa.  
Tadhg O Murchadha.  
Pádraig O hOgáin (An Clár).

Níl.

Earnán Altún.  
Earnán de Blaghd.  
Seamus Breathnach.  
Seoirse de Bhulbh.  
Próinsias Bulfin.  
John J. Cole.  
Bryan R. Cooper.  
Henry Coyle.  
Louis J. D'Alton.  
Máighréad Ní Choileáin, Bean Uí  
Dhrisceóil.  
Patrick J. Egan.  
Osmond Grattan Esmonde.  
Henry J. Finlay.  
Desmond Fitzgerald.  
John Hennigan.  
Connor Hogan.  
Tomás Mac Artúir.  
Seosamh Mac a' Bhrighde.  
Domhnall Mac Cárthaigh.  
Liam T. Mac Cosgair.  
Seamus Mac Cosgair.  
Pádraig Mac Fadáin.  
Pádraig Mac Giollagáin.

Seán P. Mac Giobúin.  
Risteárd Mac Liam.  
Seoirse Mac Niocaill.  
Liam Mag Aonghusa.  
Martin M. Nally.  
John T. Nolan.  
Peadar O hAodha.  
Cristóir O Broin.  
Seán O Bruadair.  
Máinsias O Cathail.  
Aodh O Cinnéide.  
Seamus N. O Dóláin.  
Mícheál O Dubhghaill.  
Peadar S. O Dubhghaill.  
Pádraig O Dubhthaigh.  
Aindriú O Láimhín.  
Seamus O Leadáin.  
Seamus O Murchadha.  
Seán M. O Súilleabháin.  
Andrew O'Shaughnessy.  
Seán Príomhdhail.  
William A. Redmond.  
Patrick W. Shaw.  
Liam Thrift.

Amendment declared lost.

**The PRESIDENT:** I move to report Progress.

### DAIL RESUMES.

Progress reported; Committee to sit again on Tuesday.

### UNEMPLOYMENT IN THE FREE STATE.

**The PRESIDENT:** I move the adjournment of the Dáil until 12 o'clock to-morrow.

**Mr. CORISH:** My desire in raising the question of unemployment and the application of the Act recently passed and its effects upon the workers of this country is not with the intention of asking the Government to revert to the dole system in its entirety. I never did agree with the dole system as such, but I do think that everyone will agree that the bona fide worker in this country is entitled to State protection when he meets with conditions over which he has no control, such as have existed in the last 5 or 6 years. Every-

one will agree that there has been great trade depression in this country for the past 5 or 6 years, and I do not think the seriousness of the unemployment menace can be exaggerated. In the various trades in this country there were many men employed continuously since the Unemployment Insurance Act came into operation in 1912 up to, I suppose, 1920. The majority of skilled workers, at any rate, during that period were continuously employed and had contributions for that eight years. About 1920 trade depression set in, with the result that a lot of these men who were anxious for work became unemployed and are at present unemployed. That is not their fault; it is their misfortune. Owing to the effect of the Act passed this year the majority of these men are out of benefit. Under this Act, unless a man has been practically continuously employed between May and October of this year, he is out of benefit. I think everybody will consider that this is a great hardship, and unless the Government are prepared to do something to help bona fide workers who are anxious to secure

[Mr. Corish.]

employment, and to relieve these unfortunate people and their families, I feel sure that you are going to have a situation created in this country that none of us desire. I am not making anything in the nature of a threat, but I do think that it will not be easy to control the unemployed people in this country.

From time to time we see statistics published which are supposed to emanate from the Ministry of Industry and Commerce, and which show a decrease in the figures of unemployment. Those figures are, so far as I know, entirely misleading.

Anyone who is not in touch with the situation will consider that these figures represent the number of unemployed in the Irish Free State. That is not so. These figures are based upon the number of people who are drawing unemployment benefit. The position so far as unemployment in this country is concerned is very little better than it was twelve months ago. According to the figures one would think that the number of unemployed is decreasing. Unfortunately that is not a fact. It is the application and the effects of the recently passed Unemployment Act which makes those figures appear so small. I think it is only right that the Government should give this matter serious consideration. During the progress of the Unemployment Act through the Dáil, I think Mr. Whelehan, who piloted it, stated specifically that he expected a revival of trade in or about the month of October. The inference I drew from that statement, and that Deputies on the Labour Benches drew, was that the Government expected, there would be such a revival of trade in October last, that there would be no necessity to pay benefit on such a scale as heretofore. Unfortunately that has not been realised and we are in the position of having as many unemployed, if not more in some centres, than we had then. I hope the Government will give the matter their serious attention. I know very well that the commitments of the Government in that direction are already very large. At the same time, I think, that the success of the

State should not always be measured perhaps by finance, but rather by the moral and the health of the people.

I daresay that there are at least 400 people unemployed to-day in practically every town in the Free State—400 bread-winners. If you multiply that by four it amounts to 1,600. I am sure there are 50,000 people to-day in the Free State who are on the verge of starvation because of the serious menace of unemployment. I am sure every Deputy is alive to the situation, and it is up to them all, if they want the Free State to develop, as it should, to see that the health of the people is looked after, because you cannot have a healthy nation with so much unemployment in it, and this cannot be done if these people are not in a position to procure something, even if it is only the Dole, to provide food for themselves and their families.

**The PRESIDENT:** The raising of this matter at such short notice has taken me at a considerable disadvantage. I have been aware for several months past of the large number of unemployed in the State, and during the greater part of that period have been engaged with the Minister for Industry and Commerce in seeing how far it was possible, within the limited means at our disposal, to deal with it. We have had many conferences, sometimes with employers, sometimes with representatives of Labour, both unofficial. We have come to the conclusion that there is an earnest desire on the part of both to come to some sort of accommodation which might make it possible to benefit skilled and unskilled workers as far as is reasonably possible.

We have not yet completed our investigations, and I hope within a few days to be able to make a statement on the subject generally. I certainly am not in a position to make a pronouncement on it this evening. I should like to say, however, that, as far as the State is concerned, I am afraid that as regards Unemployment Insurance we have reached the limit of our resources. I think the Fund is in debt to something like £750,000, and I do not know that it was the intention of the framers, or of anybody, that a

situation such as that should arise. I do not know whether the Deputy was aware of the fact that we have been considering this matter very closely for a long time past. Only this week I have had interviews with the two parties I have mentioned, but I am not in a position at present to make any statement further than to say that the Gov-

ernment is certainly alive to the necessity for the making of some special effort by all parties to effect a solution that will not place an undue strain on the resources of the State.

The Dáil adjourned at 8.40 p.m. till 12 o'clock, on Friday, December 7th.

# DÁIL ÉIREANN.

DE HAoine, 7adh Mí NA NODLAG,

1923.

(Friday, 7th December, 1923.)

Do chuaidh an Ceann Comhairle i gceannas ar a 12 a clog.

## CEISTEANNA—QUESTIONS.

### ORAL ANSWERS.

#### "LYTTON ENTRANTS."

**Major COOPER** asked the Minister for Finance whether his attention has been called to the class of civil servants known as "Lytton entrants," whether he is aware that a Committee presided over by Lord Southborough has recommended an increase of emolument for "Lytton entrants" in Great Britain and Northern Ireland, and whether he can state whether it is proposed to act on the recommendations of this Committee where "Lytton entrants" in the Saorstát are concerned.

**MINISTER for FINANCE (Mr. Blythe):** This matter is at present under consideration. I may remind the Deputy that the Southborough Committee was appointed by the British Government, subject to the change of Government, and any question of revising remuneration of Free State civil servants has to be decided by reference to Free State conditions.

**Major COOPER:** Is the Minister aware that this matter has been under consideration since July, and that many of these "Lytton entrants" propose to avail of the terms of the Treaty if a decision is not arrived at soon?

**Mr. BLYTHE:** The Deputy has informed me that they propose to do that.

**Major COOPER:** Will the Minister state why he did not answer the letter in which I informed him of that? He did not even acknowledge it.

**Mr. BLYTHE:** We are tired of the "Lytton entrants."

## CIVIL SERVANT'S ARREST AND DISMISSAL.

**Mr. DARRELL FIGGIS** asked the Minister for Finance if it is a fact that Mr. Richard A. Johnson, a permanent civil servant in the Principal Inspector of Taxes' Office, was arrested on February 22nd last, and not released until November 17th last, having been detained without trial or charge, although two days after his arrest he signed the necessary form of undertaking, producing as guarantors Professor Whelehan, then Assistant Minister for Industry and Commerce, and Rev. T. A. Finlay, S.J.; whether this gentleman was dismissed the service on November 9th, without any enquiry being held at which he, either himself or by solicitor or counsel, could be heard in his defence, and without even any opportunity of answering any questions that might be put to him, and if he will order an enquiry to be held into the facts of the case, of which this gentleman will receive due notification with a view to his being heard in his defence.

**Mr. BLYTHE:** The Military authorities report that for some time prior to his arrest, Mr. Johnson was believed to be supporting the Irregulars, and was therefore under military observation. His arrest followed an attack made by the Irregulars on Jury's Hotel in February last, when the Military authorities, in the course of their observations, found two fully-loaded revolvers in the room in which he was working. In the circumstances the Government was satisfied he had not carried out his declaration of fidelity as a civil servant and dismissed him. I am not prepared to re-open the question of his dismissal.

## WOUNDED CLAREMAN'S CLAIM.

**PADRAIG O HOgain (An Clár)** asked the Minister for Finance whether any award has yet been made in the case of Michael Crotty, The Square, Kilrush, who was wounded whilst attending a Republican Court at Cragganock, Cree, Co. Clare, on December 12th, 1920, and whether, con-

sidering the exceptional circumstances of the applicant, he will expedite the payment.

**Mr. BLYTHE:** The investigation of this case has not yet been completed and no award has been made. All claims for compensation in respect of personal injuries are being dealt with as expeditiously as possible and there will be no avoidable delay in disposing of the claim.

### **ECHO OF BELFAST BOYCOTT.**

**PADRAIG O HOGAIN (An Clár)** asked the Minister for Finance whether he is aware that on the withdrawal of the ban on Belfast goods subsequent to the signing of the Treaty many merchants ordered goods from Belfast firms, that on the re-imposition of the boycott these merchants were visited by members of the local Boycott Committees acting on the instructions of the Central Boycott Committee and received cheques to the value of the goods as per invoice, and that receipts are held for such payments, that demands are now being made for the payment of the goods by the firms in the areas then boycotted, and whether compensation will be made to the merchants now called upon to pay a second time for these goods.

**Mr. BLYTHE:** On the facts as presented the aggrieved parties have no claim for compensation under the Damage to Property Compensation Act, which excludes cases where cash is taken.

### **DINGLE CLAIM FOR MALICIOUS INJURIES.**

**TADHG O MURCHADHA** asked the Minister for Finance whether two fishermen named John and Michael Flaherty of John Street, Dingle, Co. Kerry, had their fishing boat maliciously damaged, and rendered useless on February 28th, 1921; whether they were awarded £500 compensation on 19th April, 1921, at Tralee, and in view of the fact that they are practically destitute, whether steps will be taken to expedite the settlement of their claim.

**Mr. BLYTHE:** No claim on behalf of

the persons named has been received by the Compensation Section of the Ministry of Finance. If the Deputy will have particulars furnished the matter will be taken up immediately with a view to submission of the cases to the Compensation (Ireland) Commission.

### **TIPPERARY UNEMPLOYMENT BENEFIT CLAIMS.**

**Captain WM. A. REDMOND** asked the Minister for Industry and Commerce whether he is aware that James Cummins, of Lower Valley, Fethard, Co. Tipperary, and several men from the same district signed the Unemployment Register at Clonmel early in October of this year, that they have reported themselves every Friday since at the Local Exchange at Clonmel, and that they can get no reply as to the decisions in their cases, and if he will expedite these decisions now long overdue.

**MINISTER for HOME AFFAIRS (Mr. O'Higgins)** replying for Minister for Industry and Commerce: James Cummins, of Lower Valley, Fethard, lodged a claim for benefit at Clonmel Branch Employment Office on 18th October, 1923. As a new Benefit Year had begun on the previous day, benefit could not be authorised until the accounts of insured contributors had been balanced, and this necessarily involved some delay in authorising claims generally. There appears, however, to have been additional delay in this particular case, in the transit of documents between the local office and Headquarters, into which the Minister is having enquiries made.

Benefit has now been authorised, and Mr. Cummins will receive payment during the current week.

### **CLAIMS FOR REFUND OF UNEMPLOYMENT INSURANCE CONTRIBUTIONS.**

**AODH O CULACHAIN** asked the Minister for Industry and Commerce whether he is aware that Mr. Patrick Sweeney, Carpenter, of Brownstown, Curragh Camp, Unemployment Card No. 117878, has over 500 payments to

[Aodh O Cúlacháin.]

his credit as Unemployment Insurance, and has received only one day's benefit, viz., 1s. 2d., since 1912; whether this man is entitled to a refund of his contributions, plus 2½ per cent. compound interest, on attaining the age of 60 years; and, further, as he applied for this refund on the 7th September, 1923, and supplied all necessary information, including birth certificate, whether, if Sweeney is entitled to a refund, instructions will be given to have payment made forthwith.

**Mr. O'HIGGINS (for Minister for Industry and Commerce):** In considering Mr. Sweeney's application for a refund it was necessary to trace and post up his Unemployment Book for 1922-23, to examine into discrepancies between the statement of his age on his original application for an Unemployment book and on his birth certificate, respectively, as well as discrepancies between the spelling of his name on his birth certificate, and as he is himself accustomed to sign it. This examination has been completed, and shows that Mr. Sweeney has in fact only 490 contributions to his credit, and is therefore ten short of the minimum number of 500 required in the case of a person entering insurance under the age of 55 years.

#### **DAMAGE TO ENNIS BUILDING.**

**Mr. CONNOR HOGAN** asked the Minister for Home Affairs whether he is aware that the building known as the Ordnance Office, Ennis, on being vacated by the forces of the Provisional Government has been forcibly taken possession of by a number of indigent families; whether his attention has been drawn to the depredations committed by those persons on the internal structure—even using oak doors as firewood—and in view of the value of this mansion to the State whether he will indicate the measures to be taken for its preservation.

**MINISTER for AGRICULTURE (Mr. P. Hogan):** This question should be addressed to the Minister for Defence, and I am answering it for him.

The arrangement by which civilian tenants were put into occupation of

the Ordnance House, Ennis, was made by the officer in charge of the military in the area, with a representative of the Urban District Council, and was necessary for the protection of the premises at a time when every building evacuated by troops in that area was destroyed. The premises are not the property of the State. The matter is being investigated and it is hoped a settlement will shortly be reached.

#### **SEIZURE OF CATTLE.**

**EAMON O DUBHGHAILL** asked the Minister for Defence if he is aware that on the 24th July last Military visited the farm at Kilmaglush, Fenagh, Co. Carlow, and took therefrom a number of cattle, horses, etc., including a cow, heifer and horse, the property of Edward Butler, Ballaghmore, Co. Carlow; whether he is aware that this man's stock happened to be there by accident and whether, seeing that Butler is only an agricultural labourer, he will undertake to consider this as an exceptional case with a view to compensation.

**Mr. O'HIGGINS:** This question should have been addressed to the Minister for Home Affairs.

The facts in regard to this seizure are as stated. My information in regard to the nature of the trespass is that it was not accidental. Cattle belonging to the owner of this farm were driven off the lands in 1921 and 1922, and illegal trespass was then persisted in up to the time of the seizure. I cannot undertake at present to make any ex gratia grant by way of compensation.

#### **RETAIL PURCHASES BY MILITARY.**

**Mr. P. J. EGAN** asked the Minister for Defence whether he considers that when the Army purchases supplies without opening an account, they are entitled to preferential prices; and, whether in view of the numerous complaints that have been made by motor agents throughout the country, he will have directions issued that ordinary retail purchases on the part of the Army are to be paid for at ordinary retail prices?

**Mr. HOGAN** (for Minister for Defence): Purchases by the State are ordinarily made under the system of competitive tender. In emergencies, such as have existed, that system had necessarily to be departed from and purchases had to be made direct. In such cases the prices to be paid are carefully assessed on rates prevailing for similar goods at the time in the area, due regard being paid to the interests both of the State and the trader. In the circumstances no directions of the nature referred to in the second part of the question can be given.

### **CLAIMS BY RIVER SLANEY USERS AGAINST MILITARY.**

**RISTEARD MAC FHEORAIS** asked the Minister for Defence if he is yet in a position to deal with the claims of the owners of barges and fishing boats on the River Slaney, whose means of livelihood were seriously interfered with by National Troops during last year's hostilities.

**Mr. HOGAN** (for Minister for Defence): It is regretted that no decision has yet been arrived at in respect of the claims in question. The matter is at the moment in hands, and it is hoped to bring it to a conclusion at an early date.

### **CORK HARBOUR BOARD MILITARY ACCOUNT.**

**MICHEAL O HAONGHUSA** asked the Minister for Defence whether he is aware that the General Manager and Solicitor, Cork Harbour Board, have repeatedly applied to the Military Pay Department for payment of £307 9s. 7d. due to the Harbour Board by the Military Authorities for pilotage services rendered during the period July, 1922, to July, 1923, inclusive, and whether he will investigate and have the account disbursed at an early date.

**Mr. HOGAN** (for Minister for Defence): The account of the Cork Harbour Commissioners will be settled in the near future.

### **DISCHARGED SOLDIERS' UNEMPLOYMENT BENEFIT.**

**Captain REDMOND** asked the Minister for Defence whether it is a fact that stoppage of 1s. 1d. per week was made out of the pay of members of the Labour Corps, National Army, for Unemployment Insurance Benefit; whether applications have been made by discharged members of this Corps for Unemployment Benefit; whether these applications have been refused on the ground that their cards have not been sufficiently stamped, and if he will see that these men will suffer no disadvantage by reason of the failure of someone in authority to stamp their cards?

**Mr. HOGAN** (for Minister for Defence): Deductions were made from the pay of certain members of the late Railway Protection, Repair and Maintenance Corps for the purpose of paying Unemployment Insurance contributions. A legal question has, however, arisen, and is now under consideration, as to the propriety of this course. If it is found that these contributions are not valid, the deductions will be refunded to the men concerned: if valid, the contributions will be duly credited and benefit paid where required.

**Captain REDMOND**: If they are not, will the men lose the benefit they would have derived if they had paid them themselves?

**Mr. JOHNSON**: I take it the assurances that were given that these men would be kept in benefit will be taken into account?

**Mr HOGAN**: I am not in a position to answer that question at the moment. I will convey what you say to the Minister for Defence.

### **OPERATIONS OF FISHERIES PATROL BOAT.**

**SEAN DE FAOITE** asked the Minister for Fisheries what reports have been received of the operations of the Fisheries Patrol Boat on duty on the North Tirconail coastline between Loughs Foyle and Swilly from 3rd till 30th November; if any foreign trawlers have during that period been found illegally fishing, if proceedings

[Sean de Faoite.]  
will be instituted against them, and when.

**MINISTER for FISHERIES (Mr. Lynch):** During the period mentioned the coast between Loughs Foyle and Swilly was patrolled between the 15th and 20th November (inclusive) by the fishery cruiser "Muir Chu." The weather became very bad after the fishery cruiser reached the area, and very few steam trawlers were seen. None of them were detected in the act of fishing illegally.

I am informed that the area in question was patrolled by one of the vessels of the Ministry of Defence from the 1st to the 15th November, and again from the 20th to the end of that month. No foreign or other trawlers were observed fishing illegally.

**Mr. WHITE:** Arising out of that question I would like to ask the Minister was it by daylight or was it at night that the patrol vessel went through the area? Was it in daylight or at night that the patrol vessel discharged her duties?

**Mr. LYNCH:** If it were there from the 15th to the 20th November, and again from the 1st to the 15th, it was there presumably day and night.

**Major COOPER:** Is the Minister aware that the fact that prosecutions are seldom entered into in these cases is causing grave anxiety to the fishermen all round the coast?

**Mr. LYNCH:** There are a great many prosecutions pending at the moment, as a matter of fact.

**Major COOPER:** I am glad to hear that.

**Mr. WHITE:** Will the Minister insist that the patrol boat will discharge her duties at night, not during daytime, as it is at night that these trawlers are illegally fishing?

**Mr. LYNCH:** I am satisfied that the patrol boat that is at the moment actually under my orders does discharge its duties in the way the Deputy requests.

**Mr. WHITE:** My information from local fishermen is that the patrol boat went round during the daytime.

### INSPECTION OF WEIGHING MACHINES.

**Major BRYAN COOPER** asked the Postmaster-General whether his attention has been called to a report of the Markets Committee of the Dublin Corporation, in which it is stated that the weighing machines used in Post Offices are not subject to supervision by an Inspector of Weights and Measures and that the majority of those employed in the Saorstát are of an obsolete pattern, which would not be stamped for ordinary commercial purposes, and whether he can state what steps are taken to inspect these weighing machines and ensure their accuracy.

**POSTMASTER - GENERAL (Mr. Walsh):** Inspectors of Weights and Measures are not empowered to stamp, verify or test any weights or scales supplied by the Post Office to be used for Post Office purposes. All such scales and weights are carefully examined and tested before being issued to Post Offices; subsequently they are tested regularly by the Department and any inaccuracy found is rectified immediately.

### WIRELESS BROADCASTING.

**Mr. DARRELL FIGGIS** asked the Postmaster-General if, pursuant to the promise given by the President that the sanction of the Oireachtas would be obtained before any licence would be given for Wireless and Broadcasting, he will set aside an early date for the discussion of the memorandum entitled "Wireless Broadcasting" just circulated to Deputies.

**Mr. WALSH:** I may say as a preliminary to this answer, being responsible to the Dáil alone, any innovation or departure regarding the services under my control must, in the ordinary course of events, be circulated to the Dáil. Therefore the implication in this question is not justified. The Deputy



is at liberty to raise the matter on the adjournment, or, failing that, to give notice of motion.

### TRANSPORT FACILITIES IN CORK.

**Mr. THOMAS O'MAHONY** asked the Postmaster-General whether, with a view to opening up the district between Fermoy and Cork via Watergrasshill and via Glenville, an area which has no railway service, he is prepared to entertain and discuss a local proposal which will give a daily passenger, parcel, and postal service, at little increased cost on the existing arrangements, which provide only postal facilities of much less convenience to the public than the scheme suggested will supply.

**Mr. WALSH:** I have recently received from the Deputy an outline of the scheme he advocates, and I am having it carefully examined, and will communicate with him further on the subject as soon as practicable.

### CLARE ASSISTANT COUNTY SURVEYORS.

**Mr. CONNOR HOGAN** asked the Minister for Local Government if his attention had been drawn to the proposals of the Clare County Council granting large increases of salary to Assistant County Surveyors on the eve of a sworn inquiry into the County administration, and to ask whether these advances were regular and would be sanctioned by his Department.

**MINISTER for LOCAL GOVERNMENT (Mr. Burke):** The answer to the first part of the question is in the affirmative.

As regards the second and third parts the question of the regularity of the proceedings is being inquired into, and the case will be fully considered before sanction is given or withheld.

### TIRCONAILL MENTAL HOSPITAL.

**SEAN de FAOITE** asked the Minister for Local Government up to what date the books of the Tirconail (Letterkenny) Mental Hospital have been audited, and what was the nature of the business transacted at a Special Meet-

ing of the Committee, convened by the Ministry of Local Government on the 21st ultimo, as reported in "Derry Journal" of 23rd ultimo.

**Mr. BURKE:** The accounts of Tirconail Mental Hospital have been audited, so far as possible, up to 31st March, 1923, but as several of the books had not been written up when the Auditor attended, the accounts could not be certified correct. Steps have been taken to ensure that the clerical work of the Mental Hospital shall be properly and punctually carried out in future.

The Special Meeting of the Committee of Management, held on 21st November last, met to consider a Report of the Inspector of Lunatic Asylums on an inquiry into the administration of the institution, together with a covering letter from the Ministry of Local Government.

**Mr. WHITE:** Will the Minister consider the necessity of appointing a committee of independent ratepayers, as a Committee of Investigation, to investigate the state of this institution?

**Mr. BURKE:** I will take that matter into consideration.

**Mr. WHITE:** Would the Minister, in the alternative, appoint a Commissioner to administer the institution?

**Mr. BURKE:** I have that whole matter under consideration. I have had several reports to that effect already.

### REPAIR OF CO. CORK SCHOOLS.

**MICHAEL O HAONGHUSA** asked the Minister for Education whether he is aware that National Schools, Belvilly, near Cobh, Co. Cork, were occupied during the recent trouble by National Troops, and during such occupation windows, doors, and furniture were damaged; whether he will now have those schools repaired and furnished and opened to teachers and pupils at an early date.

**Mr. LYNCH (replying for Minister for Education):** It is understood that a claim for compensation in respect of damage done to the school-house was made by the manager; that a certain

[Mr. Lynch.]

amount by way of compensation has been awarded; and that a draft for this amount is being forwarded to the manager. In the circumstances, it is expected that the manager of the schools will take the necessary steps to have the repairs effected.

### WRITTEN ANSWERS.

#### COMMANDEERED CORK PREMISES.

**TADHG O MURCHADHA** asked the Minister for Home Affairs whether premises in Drimoleague, Co. Cork, owned by Mrs. Deane and occupied by a tenant named Denis O'Driscoll, were taken over forcibly by members of the *Gárda Síochána* on 23rd November; whether O'Driscoll and his wife, who is ill, were with their family confined to one small room in the house, and whether the business carried on by O'Driscoll in the shop was shut down; whether it is proposed to evacuate the premises, and, if not, whether it is proposed to compensate O'Driscoll?

**Mr. O'HIGGINS:** As a result of representations made to the Commissioner of the *Gárda Síochána* as to the urgent necessity for stationing a unit of the *Gárda* at Drimoleague, I requested the Commissioners of Public Works to acquire suitable accommodation for that purpose. In pursuance of the powers conferred by the Civic Guard (Acquisition of Premises) Act, 1923, the Commissioner having served the requisite notice, acquired a house belonging to Mrs. Deane, which was occupied by Mr. O'Driscoll, and to clear possession, of which the *Gárda* became entitled on the 11th ulto. On the 23rd ultimo, when the Guards arrived to take over the house, O'Driscoll was still in occupation, and refused to vacate on the plea that his wife was ill. The Guards were, accordingly, compelled to take forcible possession of the premises.

From reports which have been furnished to me I am satisfied that for all practical purposes O'Driscoll made no use of the shop for business purposes, and that if he so desired he could have obtained suitable accommodation elsewhere. I am further satisfied that his reluctance to vacate was the result of efforts which were made by certain

parties to prevent the *Gárda* obtaining barracks in the town. I have been advised by the Commissioners of Public Works that no suitable alternative quarters are available for the *Gárda*, and as the necessity for a unit there is quite evident, the house in question will not be evacuated. The question of compensation is one for the Commissioners of Public Works, and in this connection I would refer the Deputy to the provision of Section 3 (1) of the Civic Guard (Acquisition of Premises) Act, 1923.

#### EX-SOLDIER METROPOLITAN POLICE PENSIONERS.

**Major COOPER** asked the Minister for Home Affairs whether pensioners in the Dublin Metropolitan Police who served in the British Army during the European War and were wounded, and are in receipt of disability pensions from the British Government, are liable to have their D.M.P. pensions reduced in the event of their disability pension being increased on account of greater ill-health, and whether, in view of the fact that these men when enlisting were assured that their Army service would count as police service for purposes of pension, they are not entitled to a fixed police pension irrespective of the amount of disability pension.

**Mr. O'HIGGINS:** The statutory authority for the grant of a pension to a member of the Dublin Metropolitan Police who was disabled whilst employed on military service, expressly provides that the amount of pension, when added to the amount payable out of military funds, shall not in any case exceed the amount of pension which would have been granted had the disablement of the member concerned been occasioned by a non-accidental injury received by him in the execution of his duty, without his own default. In the majority of cases of partial disablement which have arisen under this Act, the total pension has been fixed at the maximum amount payable where the disablement is not total, and in any such case, therefore, where the disability pension is increased, the pension from the Police Vote must be reduced accordingly.

### DETENTION OF ENNIS MEN.

**Mr. CONNOR HOGAN** asked the Minister for Defence whether the continued detention of Messrs. Michael Keane, Kilamona, Ennis, and Patrick MacNamara, Barefield. Ennis. is contemplated?

**MINISTER for DEFENCE (General Mulcahy):** The release of Mr. Keane is being arranged. The detention of Mr. MacNamara is still considered necessary.

### A WEXFORD ACCOUNT.

**RISTEARD MAC FHEORAIS** asked the Minister for Defence why the account of Messrs. John Sinnott & Sons, 29 South Main Street, Wexford, amounting to £120 8s. 3d., has not been paid?

**General MULCAHY:** It is regretted that the checking, which is necessary before this balance of account can be paid, has not yet been completed, but it is hoped the matter will shortly be settled.

### DEDUCTION FROM LEIX MERCHANT'S ACCOUNT.

**Mr. P. J. EGAN** asked the Minister for Defence whether, in paying the account of Messrs. Mercier & Sons, Durrow, Leix, the Army 10 per cent. on the account was deducted; whether the Quartermaster-General has informed Messrs. Mercier that the deduction was made in accordance with the instructions received from the Army Finance Department; whether he is aware that the deduction is a purely arbitrary one, and whether he will explain on what basis it has been made?

**General MULCAHY:** The deductions made from Messrs. Mercier's accounts are for overcharges for hire of cars. The hire rates allowable have been fixed after careful consideration, and would appear to be reasonable.

### CLAIM FOR MONEY ADVANCED.

**Mr. P. J. EGAN** asked the Minister for Defence if he is aware that a sum of £32, which was advanced by Mr. Ernest Mercier, of Durrow Mills, Leix,

to Quartermaster Matthew Cavanagh, in July, 1922, for the purpose of paying the troops, still remains unpaid, and, if so, when it will be paid, and whether Mr. Mercier will be allowed interest from July, 1922, to date.

**General MULCAHY:** There has been some delay in dealing with this matter owing to the difficulty in getting into touch with the officer concerned. The investigation has now been completed and payment will be made in the next few days.

### KILRUSH ARMY ACCOUNT.

**PADRAIG O HOGAIN (An Clár)** asked the Minister for Defence if he has received a claim from Mrs. Bridget Dunne, Moore Street, Kilrush, in respect of the billeting of National soldiers some time ago, and whether, in consideration of the circumstances of the applicant, he will expedite payment.

**General MULCAHY:** No claim has been received at Headquarters. Inquiries are being made locally, and the consideration of the claim will be expedited when it is received.

### QUESTION ON THE ADJOURNMENT.

**Mr. GOREY:** I beg to give notice that on the motion for the adjournment I will call attention to the question of the precautions taken to prevent Foot and Mouth disease entering this country, and as regards the enforcement of the regulations; and also the question of the treatment and detention of our live stock at the English ports.

### FISHERIES BILL, 1923—FOURTH AND FIFTH STAGES.

Question: "That the Bill be received for final consideration" (Minister for Fisheries) put and agreed to.

**Mr. FIONAN LYNCH:** I move that Standing Orders be suspended to enable the fifth stage to be taken.

Agreed.

Question: "That the Bill do now pass," put and agreed to.

Bill ordered to be sent to Seanad.

## **COURTS OF JUSTICE BILL, 1923— FIFTH STAGE.**

Order discharged. Fifth Stage fixed for Tuesday, 11th December.

## **TRANSPORT AND COMMUNICATIONS BILL, 1923—SECOND STAGE.**

Order discharged. Second Stage to be resumed by agreement on Tuesday, 11th December.

## **FOOT AND MOUTH DISEASE— QUESTION ON ADJOURNMENT.**

**Mr. GOREY:** I desire to raise this question as to the precautions taken to prevent foot and mouth disease entering this country, and also as to the enforcement of the regulations, and further as to the treatment and detention of our live stock at the ports now open in England.

The precautions taken at the open ports in England during the last three or four weeks in connection with the spread of foot and mouth disease in that country were of such an unsatisfactory nature that we sent over a man from Cork to see things for himself on the spot. This gentleman made a report, a copy of which I showed to the Minister for Agriculture. The report goes to show that things are done in a very slipshod manner at the ports of Fishguard and at Birkenhead. I will deal first with the treatment of our live stock at these ports on the other side. The report that we have received goes to show that pigs have been well cared for and have been well fed and well looked after. Sheep have been very badly treated, and cattle have been starved. They get almost nothing at all to eat. The facts are that 800 cattle were sent over to the other side, and though they had been travelling for a considerable number of hours, all they got to eat on arrival was the small quantity of 39 cwt. of hay. These cattle had done a long journey across the country and had been several hours on steamers and on trains, and yet all they were given to eat on arrival was this very small quantity of fodder, consisting of 39 cwt. of hay. Anyone who knows anything about the cattle trade knows that there would be very little

for each of the 800 cattle out of such a small supply of fodder. I might say also that the cattle dealers sought to enter the lairages to see how the cattle were treated, but they were refused admission, while at the same time the English drovers had free access into and out of the lairages.

As far as could be observed, there was no system of disinfecting these drovers before they went into the lairages or when they came out. This question of food for the cattle, as well as proper care for them, has naturally a very serious effect on their value. No one in the cattle trade needs to be told that. As to the precautions taken, I understand that the system in Birkenhead is very bad, indeed so bad that there is no system there at all. The precautions are not put in force as they should be, and the wonder is that England at the moment is not reeking with foot and mouth disease from one end of it to the other. Creosote, I understand, is provided in a small box at Woodside, where those having access to the lairages are supposed to avail of it as a disinfectant. They are supposed to walk in and stand on the creosote which is kept in a little box, but, according to the report that we have received, the men concerned only put one foot in the box and keep the other outside, and then show to the Inspectors the boot that has been put in the creosote. If these statements are true, it is no wonder that England is in the position she is in to-day. I understand also that fumigation is only a farce. Things were very bad at the early stages, but I believe there has been a little improvement within the last three or four days, but at the same time the enforcement of the regulations is not anything like what it should be.

At our own port in Dun Laoghaire, I am afraid the precautions are not strict enough either. Men who have been over in England, and who have been through the cattle lairages, attempt to evade complying with the regulations, and this happens even with people engaged in the cattle trade. I suppose some of these young men think themselves too nice to go into the fumigating chamber, and some of them also, I suppose, do not want to soil their

boots; but the fact is that they attempt to evade complying with the regulations. Men engaged in the cattle trade do that, and in my opinion their action is not creditable to them. If they were men of any national spirit they should, I think, be anxious to comply with the regulations, especially when it is remembered that their very livelihood depends upon the success of the cattle trade in this country. I was speaking to a young cattle dealer who had come from Birkenhead, and who had been through the cattle lairages. He told me he was asked to go into the fumigating chamber at this side. He went in, but with his travelling clothes and boots on. The clothes he had worn in the cattle lairages in England were in his bag. I have that from the man himself, and I think it is not at all creditable to men like him and to others who are engaged in the cattle trade in this country. It is a miracle that we have not foot and mouth disease in this country, a miracle, I say, that we ought to be very thankful for. There were several other points that I wished to refer to, but as I was not aware that this question would be taken up so early in the day I have nothing more to say, except to call attention to the urgency of having the regulations as regards foot and mouth disease at the open ports in England strictly enforced, and also to see that our cattle are well treated and well cared for when they arrive at these ports.

**Mr. WILSON:** I desire to support what has been said by Deputy Gorey. I would like the Dáil to understand the exact position with regard to the cattle trade. Deputies heard the other day from the Minister for Agriculture that if cattle are found infected at a landing place, a kind of "No man's land," between England and Ireland, the owners of the cattle are not to be compensated either by the Free State Government or the Government of Great Britain. You heard a statement from Deputy Gorey as to the lack of supervision as regards the disinfecting arrangements at the other side, or rather the failure to carry out the regulations by the authorities in Great Britain. I do not think it is a fair business for men who invest their money in the

cattle trade and bring their cattle over to England to this "No man's land" after getting a sound bill of health at the port of export in Ireland, that through the action, or want of action, of the authorities in Great Britain these cattle should become infected with the disease. The cattle were quite healthy and free of the disease leaving Ireland, but because of the lack of the enforcement of the regulations in England they contracted the disease, and as a result had to be slaughtered. The serious position for the cattle dealers is that in these circumstances no compensation is to be paid to them by the Free State Government or by the British Government. The Minister for Agriculture, the other day, told us that these men should cover their risks by insurance. I made inquiries into that matter since then, and I have learned that the insurance rates are so high as to be altogether prohibitive. The only remedy that I see is to have the regulations strictly enforced, and to see that cattle which leave Ireland with a clean bill of health will not become infected in these lairages at the other side. The regulations should be tightened up and every precaution taken to stamp out the source of infection. Otherwise it will be a miracle if this country escapes an outbreak of the foot-and-mouth disease.

**Mr. JOHNSON:** I would like also to say a word with a view to pointing one of the morals issuing from this discussion. I think the Minister for Agriculture himself, on a previous occasion, drew attention to the fact that we had by deliberation, or as a result of deliberation, chosen to become independent of the British authority, and, of course, we have to abide by the consequences. I take it that nine-tenths of the people are willing to abide by the consequences and to derive the advantages. I suggest it is not well to raise matters here in a manner which would suggest that the responsibility for foot-and-mouth disease in England, or the care of cattle in England, is the responsibility of the Irish Minister for Agriculture. We cannot, from this Chamber, hector, with dignity to ourselves, the British Minister for Agriculture, or any other Department responsible

[Mr. Johnson.]

for the administration of affairs in Britain. My chief reason for interposing is rather to suggest that we shall have, in this case, as in many others, to look for some alternative market for the disposal of our goods. In the case of cattle as large a proportion as possible should be killed and dealt with in this country, and exported as dead meat and not as live meat. I realise quite well that this cannot, by any possibility, cover the whole of the cattle trade, but at least it would minimise the loss which the cattle traders and breeders are subject to, and I suggest that this is not a cattle dealer's question.

**Mr. GOREY:** On a point of personal explanation, I have not said it was a cattle dealer's question nor have I attempted to lecture the English Board of Agriculture. My object was to try and draw attention to the want in not having the regulations enforced.

**Mr. JOHNSON:** I did not suggest, nor do I want to suggest, that Deputy Gorey was speaking as a representative of the cattle dealers. But I am afraid there is an inclination to think of it rather as a cattle dealer's question. I wonder whether this is not a matter which should be dealt with by the Minister for External Affairs. It is very serious, no doubt, and I believe that we will be obliged—I would hope that the continuance of disease in England will make us all realise that we shall be obliged—to encourage, to the utmost, the dead meat trade in the country. I hope that steps will be taken to avail of the opportunity that is now offered, and to get possession of and to put into operation, the factory at Drogheda.

**Mr. PETER HUGHES:** This is one of the vital questions we have to consider in this country and what I would like to emphasise is the necessity for seeing that the disease is not carried into the Free State. That is the matter to which we should devote all our attention. I am informed, whether rightly or wrongly, that there is a lot of litter used in packing various articles coming into this country, some of which is fed to cattle and sent

to the various ports of the country. There is danger that in this way we might introduce the disease into the country and this would involve the loss of a very considerable amount of money. The Ministry of Agriculture should turn their attention to this and see that no packing that comes into this country is used for fodder, but that any such packing as is allowed to come to the ports is destroyed. I think that is one of the best means that could be taken to safeguard the country in respect of this important question.

As regards the treatment of cattle at the other side of the water, I think that the person who is at the head of that branch in Dublin should be able to make arrangements between his Department and the English Department. The cattle industry, as we all know, is a vital industry in this country, and if the suggestion of Deputy Johnson were taken up earnestly and if the larger number of the cattle fit to be killed were got ready for that purpose they could be exported as dead meat instead of sending them alive to the other side. That would be a great advantage and the industries of the country would benefit very greatly in the use of by-products resulting from such a system. I merely wish to suggest to the Ministry the very great importance of having fodder coming from England in packing cases destroyed at the port of entry.

**Mr. MICHAEL DOYLE:** I think great necessity for supervision lies at this side. If the people in England, who are acting in such a slipshod fashion, are not coming across here, there is not much danger of their infecting this country with the disease. But I think every precaution should be taken at our ports, where the people engaged in the cattle trade are crossing to and fro, and there should be every facility that is possible for the disinfection of the clothes of such people crossing over to the English markets and coming back again. I understand that at Rosslare the facilities for this sort of disinfection are not at all adequate. They have some man engaged doing this business who some time ago was a railway worker. I pre-

sume he is not the Shipping Inspector but I am informed—and I live adjacent to where this port is—that the fumigation carried out is an actual farce. Another thing I suggest to the Ministry—in this I support Deputy Johnson—is to try to establish the dead meat industry.

I am glad to say we have it on a small scale in Wexford, and but for it, during the crisis of the past two or three months a great many people would have fared much worse than they did. At a recent meeting of the Agricultural Commission the suggestion was made that an effort should be made to try and re-open the meat packing industry at Drogheda. The majority of the members of the Commission believe that the Ministry would be well advised not to let that industry fall through, or get into the clutches of a foreign syndicate, or people who, perhaps, would be able to rig the markets. That industry should, if possible, be retained for the Irish people. There is no better protection against foot-and-mouth disease than to establish a dead meat trade. Apart from stores, with which the owner is not so much hampered, the dead meat trade would be a great advantage for dealing with fat cattle. With a dead meat trade owners would not be compelled to keep cattle for months, being unable to get rid of them for want of an outlet to the markets. When the trade is held up the beneficial effects of a dead meat trade, such as we have in Wexford, is realised. I would impress on the Minister, and on his officials, the importance of seeing that people engaged in the trade are disinfected after every journey they make across the Channel.

**Mr. BAXTER:** I want to add a few remarks on this question. We raised it as it is a very important one for the country. We know that in England up to one or two weeks ago not a beast could be moved from one part of the country to another. We do not want that position in this country. We do not want to be in the position that we could not drive cattle from their sheds for a drink. Because of the laxity of the regulations in England, there is a great danger that foot-and-mouth disease will come into this country. It

is a marvel that it has not come already, seeing that the conditions are such as they are across the Channel. I agree that our Minister for Agriculture can, perhaps, do very little to have regulations imposed across the Channel, but he can, at least, see that those engaged in the cattle trade, between this country and England, will submit to regulations on coming back which will ensure that Irish interests are being protected. It seems to me that a register should be kept of cattle dealers who cross to this country from England, and it should be a penal offence for any man engaged in the trade who did not comply with whatever regulations are fixed so that disinfection may be thoroughly carried out.

**Mr. WHITE:** On the last occasion that this question was discussed in the Dáil I made a suggestion to the Minister for Agriculture that a veterinary inspector should accompany large consignments of cattle to the different landing places with a view to seeing that the British authorities carried out the legal requirements. The Minister did not exactly turn that suggestion down, but stated it was a question of expense. The cattle trade is one of the principal industries in the country, and in such a question the expense of a veterinary inspector to accompany consignments to the different landing places would, I consider, be well-spent money. I was recently informed in the North of Ireland by a prominent cattle dealer that this disease had been introduced into England by the Canadian cattle, but that the fact was cloaked and concealed. Whether there is any truth in that statement or not I do not know. I make the statement as it was told to me, and I am prepared to give the name of the cattle dealer who supplied the information. I would put it to the Minister for his consideration, that he should send a veterinary inspector to the cross-Channel ports with every large consignment of cattle to see that the English authorities carry out the regulations.

**MINISTER for AGRICULTURE (Mr. Hogan):** I agree that we should concentrate on taking precautions on this side rather than on the arrange-

[Mr. Hogan.]  
ments made by the English Ministry of Agriculture on the other side. I also agree with Deputy Johnson that we cannot afford to hector the English Minister for Agriculture, and I do not think Deputy Gorey intended to hector him. I will admit, in view of the fact that quarantine stations at the ports in England are a sort of no man's land that we here have certain obligations to see that satisfactory arrangements are made in regard to these quarantine stations. We would be entitled through the Minister for External Affairs, with whom I have discussed this matter, to make the necessary representations to the English Government, as a friendly Government, if we considered their arrangements might be improved, and if we had any suggestions to make. We have done so. While Deputy Gorey and Deputy Baxter agreed that we should concentrate on precautions, Deputy White is perfectly convinced that there is no objection to sending over a veterinary inspector with each consignment of cattle to the landing places, at Birkenhead, Glasgow, Mercklands, and Ayr, etc. The inspectors are to get off at the landing places with each consignment, walk up to the veterinary surgeon who is at each place, and see that precautions are carried out, and probably say to him that he knows very little about his job. I want to point out that that policy is absolutely opposed to the policy suggested by Deputy Gorey, Deputy Baxter and Deputy Hughes. It is not such a simple matter as one thinks, and there is no use closing our eyes to the difficulties. I dare say we could make arrangements with the English Government so that our veterinary inspector could be constantly on the other side inspecting their arrangements and quarantine stations. I would agree with Deputy White that mere considerations of expense should not stop us and have not stopped us. It would be very false economy to save a penny and lose many pounds in such a big question as this. But is it good business to take up the attitude, that we must be perfectly satisfied with the arrangements made by the English Ministry of Agriculture?

Deputy White will remember that one case of foot and mouth disease occurred about a month ago amongst Irish cattle, under circumstances which made it possible that the infection had taken place in Ireland. In accordance with their usual custom the English Ministry immediately closed the ports until the origin of these cattle was discovered. They asked us to trace the origin. They did not immediately send over their veterinary inspectors to go through the whole of Ireland to see if there was foot and mouth disease in Ireland. They asked us to do so. We succeeded in doing so in four days. They took our word and certificates and opened the ports. The closing of the ports for two days means probably a loss of thousands of pounds, but if they were closed for some weeks it would mean hundreds of thousands of pounds. Is it worth while running the risk of having our ports closed for weeks longer than they should be? That is what would happen if the English Ministry took up the attitude that their veterinary inspectors would have to be satisfied that we had a clean bill of health here. The Farmers' Party are more interested in this than I am. They have probably more cattle per head than I have. I will put the onus on the Farmers' Union of considering whether it would be good business for us to say to the English Inspectors and to the English Ministry of Agriculture, "We are not satisfied with your arrangements and you will have to let us inspect your arrangements at the landing places." If the farmers ask me, and say that they are willing to do that and are willing to run the risk of the English Minister for Agriculture saying: "Very well, we will not take your certificates on this side," they have only to say so and I will do it. There is no use in Deputy White or other Deputies taking up the attitude and saying: "I am a business man, and I will do this thing very quickly and see that things are done right, but we have got to persuade the Minister for Agriculture, who knows nothing about the trade and that is the trouble." If Deputy White, as a responsible farmer, thinks that we can afford to ask the English



Minister for Agriculture to let us inspect his arrangements, and that the Farmers' Party are willing to run the risk of the English Minister for Agriculture retaliating and saying: "Very well, we will inspect yours," all he has to do is to let me know and I am sure there will be no difficulty about making the arrangements. It is not expenses that have stopped us.

I am sure that the precautions taken on the other side during the outbreak of foot-and-mouth disease in regard to keeping landing-places absolutely free from infection could be improved upon, just as I know perfectly well that the arrangements on this side could be improved upon. I take it for granted that as foot-and-mouth disease has lasted in England for at least three months, as there have been thousands of cattle and hundreds of thousands of pounds lost, and the whole Ministry of Agriculture has been overworked in trying to cope with the outbreak, that there may have been laxity and looseness. But I ask Deputy Gorey not to take for granted or to take too literally the report which he has received, that English drovers from the neighbouring counties go amongst Irish cattle at the various landing-places without being properly disinfected. I dare say farmers in England are like farmers in Ireland, and drovers in England are like drovers here, and that some of them try to avoid the disinfecting process. But it is an extraordinary thing, notwithstanding that foot-and-mouth disease has been rife in England for three months, that only in a single case has the disease been carried into a landing place. That one case was in Merklelands, in Glasgow. If the precautions were so absolutely loose and lax as the Deputy says, you can take it for granted, having regard to the fact that English drovers and officials are going in and out every day to everyone of the landing-places along the coast, that there would be more than one outbreak of disease. I am not satisfied that the precautions are so lax as is stated, but I would like to have a copy of the report referred to. I can find out in various ways exactly what the precautions are and how they are carried out in practice. There has been only one

case of infection being carried to a landing-place for Irish cattle. I want to point out also that I have not received a single complaint from Irish dealers on the other side on the lines of the complaint that Deputy Gorey has made, although I have received a great many complaints on other matters. I ask the Deputy, therefore, not to take for granted all the statements that are made.

With regard to feeding on the other side, the English Ministry make arrangements for feeding, but they recover the cost from the owners. The Irish dealers, I am perfectly certain, can have their cattle fed with as much hay as they are willing to pay for. I know that on this side cattle are left in the lairages, at the North Wall and elsewhere, for a long time without being properly fed. I know the owners leave them in that way deliberately and that they are often in a poor condition before they are taken away. I am certain that when the disease was at its worst confusion was worse confounded at the ports in England, and that there were certain difficulties in getting cattle properly fed. On the other hand, dealers themselves were not entirely without fault, and I would suggest that some of them are not too anxious to spend money on feeding.

I agree that all the precautions necessary should be taken on this side. This debate is useful because it will re-advertise the whole position. But for the one precaution which I can take the farmers can take a hundred

*1 o'clock.* precautions that I can take are not of any use without the good-will and co-operation of the trade. We have, I think, taken every possible precaution. We have not got foot and mouth disease yet. I do not say that was because of our precautions, but it may be partly due to them. It is, perhaps, due more to good luck, as Deputy Gorey said. We have, I am satisfied, made as adequate arrangements as we could make for disinfection at the ports.

I have got complaints from cattle dealers recently with regard to the disinfection arrangements at Dun Laoghaire. I have inquired from the

[Mr. Hogan.]

Chief Veterinary Inspector, who is in charge there, from the police constables who are on duty there, and the two men who are responsible for the actual disinfection of the dealers as they arrive, and I am unable to make up my mind as to who is to blame. I know that in the past dealers have made every effort to avoid disinfection. But at present they, I think, realise their responsibility in the matter and are more willing to submit to the process of disinfection. Although I have received numerous complaints as to the laxity, if you like, of certain officials of the Department at certain ports, I am not at all satisfied that the fault does not lie as much with the farmers and the cattle dealers. The two best men we have are at Dun Laoghaire and the best Veterinary Inspector we have is in charge there.

With regard to Rosslare, the man who is responsible there for taking the cattle dealers into the disinfecting chamber may be a railway man or anything else you like. There is no skill required in the matter. If a person is there long enough he will know the persons who land and that particular persons are cattle dealers and not commercial travellers. All he has got to do is to take persons in to be disinfecting. There is a Veterinary Inspector in charge at the port.

**Mr. M. DOYLE:** Not at the time the boat arrives, when cattle dealers are returning.

**Mr. HOGAN:** He may not be there always. It is not his duty to be there then.

**Mr. DOYLE:** I am not saying it is.

**Mr. HOGAN:** This is manual work and the fact that a man is a railway man does not make him any the less fitted to intercept cattle dealers and bring them to the disinfecting chamber. The only special knowledge required is that he should be able to distinguish cattle dealers as they arrive. The old Order which was in operation for some time was to the effect that every person connected with the cattle trade on landing on this side was guilty of an offence if he

refused to submit to disinfection. We have changed that Order within the past week. We have now made it an offence—and I would like this to be well known—for any cattle dealer, farmer or drover, or anybody connected with the cattle trade on the other side, to leave a port without himself ensuring that he has been disinfected.

We propose to prosecute in any case we can get. That is the first precaution. With regard to packing, Deputy Hughes suggested that all packing should be burned at the ports. That would be impossible, I think. That would raise a tremendous opposition in trade, if we had to unpack everything at the ports and burn the straw and packing. I do not think it would be worth it. I think that if you go into the lists of cases of foot-and-mouth disease in Ireland for a period of, say, twenty years, you would not be justified in going as far as to prevent straw used in packing for goods from coming in, or insisting on everything being unpacked at the ports and the straw burned there. Even if you did that you would only be guarding against perhaps five per cent. of the possible sources of danger. What we have done is to make an order making it an offence to retain any straw arriving on this side with goods. We have asked the people who get straw as packing to burn it, and we have made it an offence not to do so. Of course, we could hardly enforce that law, except in two or three per cent. of cases, if people simply meant to evade it, but you do not want that law if people realised their responsibilities themselves, and if they realised that it is, first of all, good business, and secondly, a patriotic duty, to burn such straw, and if people realised it so clearly and so realistically that they should report their neighbours when they found they were not doing it. The Farmers' Union can do ten times as much as I can in the way of precautions by co-operating. We have also sent out a circular to the Civic Guard describing the symptoms of foot-and-mouth disease, and we have published in all the papers the fact that if cattle are slaughtered in Ireland because of foot-and-mouth disease we pay for them. We think it likely that the far-

mer will be more likely to report a case if he is getting paid than if he believes he will be at a loss over it.

**Mr. GOREY:** On a point of information, I think you are quite correct.

**Mr. HOGAN:** That is a fact which I want to have known, that if cattle become infected in Ireland and are slaughtered the State pays and the owner will not be at any loss. It is almost a miracle that we have not had foot-and-mouth disease, but it would not really be a terrible misfortune if a case broke out in Ireland, provided it was reported immediately. The real danger is that if a case occurs the farmer, on finding his beast suffering from the disease, would put it into a house and start curing it. It can be cured, and cured easily. In such a case the disease spreads and spreads, but if we could get after that case immediately, the ports would be only closed for three days. If the beast is kept, and if the disease spreads, they may be closed for three, four or five months. There is a real precaution. The real and the most effective precaution you can take is by every means in your power to get it into the heads of the farmers that if a single case of foot and mouth disease breaks out they should report it immediately. That is where the Farmers' Union comes in, and I ask them, as far as they can do it, to see that that is done, because, after all, one outbreak is of no importance. The English do not get desperately frightened when one outbreak occurs. In such a case we would isolate the particular area concerned. The ports would be closed, and after establishing the fact that we had the area isolated the ports would be opened for the rest of the country, and the farmer whose beast is slaughtered would be paid. The reason that there are outbreaks in England, and that there have been outbreaks in Ireland, is because people will not report it when they find their cattle infected.

I agree that the dead meat trade is a precaution. I do not pretend to be omniscient, strange to say. I agree, in the first place, that the question of a dead meat trade in Ireland has been investigated for at least ten or fifteen years, and people have been talking about it through all that period and

agreeing that it is a business proposition which would pay from every point of view. We are still talking about it. I realise that from the point of view of increasing production, of starting subsidiary industries, of giving a better price to the farmer for his cattle, as a protection against the closing of the ports as a result of an outbreak of foot and mouth disease, it would be a very good thing. It was that from every one of these points of view, and it would be a good thing to have three or four prosperous dead meat businesses in Ireland. Why have we not got them? Deputy Doyle tells me not to let this opportunity pass. What do you want me to do? We have an Agricultural Commission, of which Deputy Doyle is a member. What does he suggest that the Government should do—to take a specific case—in connection with the Drogheda Dead Meat Factory?

**Mr. M. DOYLE:** We will tell you when we get you over there.

**Mr. HOGAN:** You told me in your speech.

**Mr. M. DOYLE:** Well, therefore, do not ask me again.

**Mr. HOGAN:** He stated that we should open it. Does he mean the Government?

**Mr. M. DOYLE:** No.

**Mr. HOGAN:** I am sure that Deputy Johnson was delighted to hear Deputy Doyle talking like that. But should the Government actually nationalise industry? That is what we are asked to do, to put our money into this factory, which would take, I suppose, £300,000 or £400,000, appoint a manager, go to the Minister for Finance for the money and have Civil Servants running it. Socialism—that is what it is.

**Mr. JOHNSON:** Dead meat and fisheries will get on nicely.

**Mr. HOGAN:** There is no use in the Farmers' Party, and people interested in the dead meat trade, stopping at a certain point. We can all agree it would be good business to open the Drogheda Dead Meat Factory, but we

[Mr. Hogan.] all stop at the point where it becomes necessary to do something. What do you want me to do? I am anxious to see it opened. Is it seriously suggested that the Government should put money into it? If it is good from the farmers' and business point of view to have a dead meat trade in Ireland why do not the farmers wake up and put their money into it? Deputy Johnson might be the President in a few years, and he might meet you, and might be willing to take it over. He is willing to take over the railways and fisheries, and he will meet you, I am sure, on the dead meat trade, unless he changes his mind by then. But is that the policy, and is it not a perfectly hopeless position for the farmers, and there is money amongst the farmers still.

**Mr. GOREY:** No, you have got it all.

**Mr. HOGAN:** There is enough money to start, and why does not the Farmers' Union, which controls a good deal of money and has good business men, form a Co-operative Society and take over this dead meat factory? I put it to them as responsible business men, do they really expect the Government to take it over and run it as a Government concern?

**Mr. DOYLE:** We do not want you to run it but to take it over and hand it to us.

**Mr. HOGAN:** This is really a serious matter. Short of asking the Minister for Finance for £300,000 or £400,000, and asking him to become the owner of that factory, and putting in Civil Servants—because that is what they would be—to run it, we will help and co-operate in any possible way you can suggest in opening that factory.

**Mr. JOHNSON:** Does the Minister know anything about the Trade Facilities Act?

**Mr. HOGAN:** A little. I do not quite see what the Deputy is at in connection with this matter. I am anxious to see that factory opened, and to see a dead meat trade in Ireland, but we cannot do anything except the initiative comes from the farmers themselves. Let them wake up and we will

do anything to help them anyway they can point out short of nationalisation.

**AN CEANN COMHAIRLE:** This concludes the debate. The point was raised for the Minister's reply. I will allow Deputies to ask questions, without explanation of the questions.

**Mr. COLE:** We had a very useful officer, whom you may remember in recent years, a liaison officer. Would it be possible to appoint some one to act as a liaison officer to meet the Inspectors at the landing places in England and Scotland? If such officers could be appointed the Irish cattle could be inspected as they land. If they are found free from disease there then there should be no further stoppage.

**Mr. HEFFERNAN:** I would like to ask the Minister if there is not some other method by which they could aid the dead meat trade besides nationalisation, or handing over control of the dead meat factories to Civil Servants? Has not the Minister heard of what the English Government has done for the beet root industry in England? Are there not certain grants and loans made by the Government, a partial subscription of the shares for a number of years, and could not such a thing be done in this country with regard to the dead meat trade? Could our Government not make an advance which would not give Government control over the factories, and which could be repaid as the factories produced and became successful? The blame should not be put on the farmers in this matter.

**Mr. EGAN:** Would the Minister order the Civic Guard to take precautions to see that the straw packing that comes down the country with goods—and a good deal comes with bottles and such things—would be destroyed?

**Mr. HOGAN:** I certainly will do that. I am almost certain a direction to that effect has been given to them already. Personally, I am absolutely against appointing a liaison officer, in other words a veterinary inspector, in England. At last we have got a proposition from the farmers. Deputy Heffernan has put it up on the spot,

and does he seriously expect an answer now?

**Mr. HEFFERNAN:** Not now, but some time.

**Mr. HOGAN:** Supposing I said "yes" or "no," and he can have either answer, would he give the mat-

ter five minutes' consideration when he goes out, or give it something like the consideration a scheme of that sort deserves, and put a proposition so that the next time we will not have the same question and the same answer?

The Dáil adjourned at 1.20 p.m. until 3 o'clock Tuesday, 11th December.

# DÁIL ÉIREANN.

DE MAIRT, 11adh Mí NA NODLAG,  
1923.

(Tuesday, 11th December, 1923.)

Do chuaidh an Ceann Comhairle i  
gecannas ar a trí a clog.

## CEISTEANNA—QUESTIONS.

### ORAL ANSWERS.

#### UNEMPLOYMENT IN DUBLIN.

**AILFRID O BROIN** asked the President if the Government have yet arrived at any decision with reference to proposals to relieve the unemployed in the City of Dublin.

**MINISTER for FINANCE (Mr. Blythe)** replying for the President: I hope to be able to put before the Dáil by the end of the week the Government's proposals for the reduction of unemployment by the provision of work. As I informed the Deputy on 14th November, no special scheme is in contemplation for Dublin; but any constructive proposals he may wish to make in regard to Dublin will be carefully considered.

**Mr. DARRELL FIGGIS:** Will the Minister be able to say on what day this week it is proposed to deal with this question?

**Mr. BLYTHE:** No, sir, I could not.

#### DONEGAL-DERRY BORDER (TRAFFIC REGULATIONS).

**SEAN de FAOITE** asked the Minister for Finance whether he is aware that the arrangements for handling goods traffic at the road Border stations between Derry and Donegal are entirely inadequate and with the restrictions on motor traffic and the closing of the main road from Derry to Letterkenny grave inconvenience and vexatious delays are caused to Donegal traders; whether he is aware that on Tuesday evening, the 4th instant, three lorries laden with merchandise for

Donegal which arrived at the Bridgend road station about 4 p.m. were held up and kept on the roadside until 9 a.m. on Wednesday morning, the officer shutting down his office at 4.35 p.m. and refusing to examine any more goods, and what steps it is proposed to take to remedy this state of affairs.

**Mr. BLYTHE:** I am having inquiries made into this matter, and I must ask the Deputy to defer his question until they are completed.

#### CONDITIONS AT DUN LAOGHAIRE PIER.

**Major BRYAN COOPER** asked the Minister for Finance whether he can now make any statement as to the improvement of the conditions under which luggage is examined at Dun Laoghaire.

**Mr. BLYTHE:** As the result of a Conference held at the Office of Public Works on the 4th instant, at which the representatives of the various companies and Public Departments interested attended, it was decided to proceed immediately with the erection of shelters to protect the tables at which luggage is usually examined. Protection from the weather will be secured by raising panels or partitions from the quay level to the station roof on the side next to the steamer from which the passengers disembark. The other side will be left as at present since the station roof and the waiting train already afford protection.

It is hoped that these shelters will be completed before the Christmas holidays. If, after reasonable trial, they are found unsatisfactory, further steps will be taken to improve the accommodation.

#### SKIBBEREEN HOSPITAL (BUILD- ING MATERIALS).

**TADHG O MURCHADHA** asked the Minister for Local Government whether he is aware that in the proposed erection of an hospital at Skibberreen (Co. Cork) it is proposed to use asbestos instead of slate, for roofing, and whether, in view of the fact that two slate quarries in the immediate

vicinity are very short of orders, he will recommend that slate be used instead of asbestos?

**MINISTER for LOCAL GOVERNMENT (Mr. Burke):** The specification for this hospital was drawn up on the understanding that the roof was to be of asbestos. A slated roof would require stronger walls and stronger timber in the roof. I am advised that natural slates cost some 40 to 50 per cent. more than the asbestos slates proposed. Furthermore, the hospital is urgently required, and the building of the stronger walls would take additional time.

#### **CARLOW MEDICAL OFFICERSHIP (POSTPONED ELECTION).**

**DOMHNALL O MUIRGHEASA** (for **Eamon O Dubhghaill**) asked the Minister for Local Government whether he ordered postponement of the appointment of a Medical Officer for Carlow County Home on the day on which the election was to have taken place; whether the vacancy had been duly advertised and the date fixed in the ordinary course, and whether he will state his reasons for so postponing the election?

**Mr. BURKE:** The answers are in the affirmative. The Board of Health were asked to postpone the election pending a decision in regard to the location of the County Home and of other institutions for the treatment of the sick in the county, upon which decision will depend the question of the duties, responsibilities and qualifications of the Medical Officer of the County Home.

#### **MOATE POST OFFICE.**

**Mr. PATRICK W. SHAW** asked the Postmaster-General if he will reconsider the decision to reduce the status of Moate Post Office, as it is unanimously considered that such change would injuriously affect the postal service in Moate, and that the present postal service should be retained?

**POSTMASTER - GENERAL (Mr. Walsh):** The alteration of the status of

Moate Post Office is being carried out as a matter of administrative economy. No change in the existing postal or telegraph facilities is contemplated.

#### **CO. CARLOW POSTMAN'S WAGES.**

**EAMON O DUBHGHAILL** asked the Postmaster-General whether he is aware that the wages of Michael Murphy, postman, Old Leighlin, Co. Carlow, which at one period amounted to £2 6s. 0d. per week, were reduced to £1 11s. 0d., and subsequently to 14s. 3d. per week, and whether, in view of the fact that this man is unable to maintain his family on this wage, the Minister can see his way to grant an increase in this case?

**Mr. WALSH:** I am having enquiry made as to the circumstances under which the wages of Mr. Michael Murphy, Auxiliary Postman, Old Leighlin, Carlow, have been reduced, and will write to the Deputy on the subject at an early date.

#### **REMUNERATION FOR VOLUNTEER POLICEMAN.**

**SEOIRSE DE BHULBH** asked the Minister for Defence whether he is aware that John Travers, Richards-town, Clanc, served in the Volunteer Police from May to October, 1922, when he was discharged, and that this officer has received no pay, although promised £16 per month?

**MINISTER for DEFENCE (General Mulcahy):** I am aware that John Travers served as a Volunteer Police Officer. His claim for arrears of pay is now under investigation, and will be dealt with as expeditiously as possible.

#### **DEPENDENT'S ALLOWANCE (HARRISTOWN, CO. KILDARE).**

**AODH O CULACHAIN** asked the Minister for Defence if he is aware that Private Patrick Allinson, Brannocks-town, Harristown, County Kildare, was shot dead at Graney Cross, Baltinglass, on the 24th October, 1922, whilst serving in the National Army; further, that although he was contributing to his father's support before he joined the Army, the father never received any

[Aodh O Cúlacháin.] dependents allowance during his service, and whether the question of compensation to the father for the loss of his son will be favourably considered.

**General MULCAHY:** I am aware that Private Allinson was killed as stated. It appears that no claim for dependents allowance was made by or on behalf of his father. His case will be considered under the terms of the Army Pensions Act, 1923.

### **MOTOR OWNER'S ACCOUNT.**

**SEOIRSE de BHULBH** asked the Minister for Defence if the account of William Gaul, Rathasker Road, Naas, for motors supplied, and which was sent to the Quartermaster-General on August 13th, 1923, and acknowledged by Chief Accountant's Office, Portobello Barracks, by note bearing reference number 7698 will be settled forthwith.

**General MULCAHY:** Mr. Gaul's account will be settled with the least possible further delay.

### **POSITION OF DEMOBILISED OFFICERS.**

**Major BRYAN COOPER** asked the Minister for Defence whether he is aware that a number of officers who were demobilised shortly before July 30th are ineligible either for grant or for a grant to provide civilian clothes, and whether he will consider the possibility of making some grant in cases where the officer was demobilised for no fault of his own, and against his will owing to reduction of establishment.

**General MULCAHY:** Prior to the 15th September, 1923, there was no case of an officer being demobilised for no fault of his own or against his will.

**Major BRYAN COOPER:** Were not some of the officers of the Railway Protection Corps demobilised on the reduction of the establishment about the middle of July, this year?

**General MULCAHY:** If I can have any particular case specified, I will have the matter inquired into.

**Major BRYAN COOPER:** I will send particulars of cases to the Minister.

### **COMPENSATION FOR COMMANDEERED BICYCLE.**

**Mr. DAVID HALL** asked the Minister for Defence whether a bicycle the property of John Waters, Beauparc, County Meath, was commandeered in July, 1921, by a member of the I.R.A. named John Lawlor, who is at present in the National Army, and stationed on the Curragh; whether this bicycle, valued at £13, was captured by British Military on the day following during a battle between that force, and the I.R.A., at Celbridge, Co. Kildare; whether the Minister is aware that John Lawlor, who was then an officer in the I.R.A., guaranteed compensation to John Waters, and whether in view of the fact that Waters is a poor labouring man compensation will be considered and payment made.

**General MULCAHY:** The bicycle was taken by Mr. Lawlor and was eventually lost. A claim for compensation should, in the first instance, be sent to the Compensation (Ireland) Commission, College of Science.

### **RELEASE OF PRISONERS.**

**Mr. DAVID HALL** asked the Minister for Defence whether in view of the fact that armed resistance to the State has ceased, and that the country is now returned to normal, will he have all untried political prisoners released before Christmas, and whether all wanted men who are on the run, and at present away from their own homes will be allowed to return without interference from the forces of the State; whether in the event of the answer to the first part of the question being in the affirmative the Minister will have a statement to that effect inserted in all daily and provincial papers.

**General MULCAHY:** As stated in my reply to Deputy Byrne on the 4th instant, prisoners are being released as quickly as considerations of public safety will permit.

As regards men "on the run," I cannot undertake that all such men



may return to their homes without fear of interference.

**Mr. HALL:** I would like to ask the Minister for Defence whether, in view of the reply, he is aware of the fact that keeping men "on the run" and away from their own homes is also keeping them away from their employment and encouraging crime?

**General MULCAHY:** The Government is quite aware of the fact that there are men "on the run," and quite aware of the possibilities arising out of a situation like that. The matter is receiving, and has been receiving, the fullest possible consideration. It is not possible to give the undertaking that the Deputy asks for.

#### PRE-TRUCE CLAIMS.

**Mr. DAVID HALL** asked the Minister for Defence whether the claims of members of the I.R.A. for compensation as a result of injuries received prior to the truce in the struggle between England and this country are receiving consideration; whether he can state when settlement of such claims will be made?

**General MULCAHY:** The claims in question are of two kinds:—(1) Those arising out of injuries received in the course of duty on active service. They are being dealt with under the provisions of the Army Pensions Act, 1923. It is hoped to commence payments at an early date; and (2) those occasioned by injuries inflicted maliciously. The Minister for Finance is considering these claims, and has already paid many of them.

**Mr. HALL:** Has the Minister for Defence acknowledged all the claims sent in? I am aware all claims have not been acknowledged. What I want to know is, whether the Minister received claims from any one of those disabled or injured soldiers of the old I.R.A. who suffered injury or disablement prior to the Truce, owing to their activities against the British Government Forces in this country? And I want to know whether he has at any time acknowledged the receipt of such claims?

**General MULCAHY:** I have personally acknowledged many of those claims. As far as the systematic acknowledgment of the claims that have been submitted subsequent to the publication of the notice that claims would be now received in connection with the Army Pensions Act of 1923, I presume each form received would be acknowledged, but I will make inquiries with regard to that. With regard to the second part of the question, I think that does not arise.

#### WRITTEN ANSWER.

#### ALLEGED ILL-TREATMENT OF CARLOW MAN.

**EAMON O DUBHGHAILL** asked the Minister for Defence whether he has received a report from the Carlow Military Authorities concerning the case of John Donnelly, of Castle Hill, Carlow, who was brought out at night and threatened to be shot by National Troops and Officers in uniform for a remark alleged to have been made by him to another, and which both denied; whether, seeing that this incident has ruined the chance of this man earning a livelihood in Carlow, in which he has been resident for over 16 years, that he has now been idle for over 15 months, the case will be re-considered with a view to granting adequate compensation for his losses?

**General MULCAHY:** I have received a report of the incident referred to. Donnelly was taken out at night-time and cautioned in connection with statements alleged to have been made by him regarding the death of General Collins. I am not aware that the incident has ruined his chance of earning a livelihood in Carlow. He left his employment of his own free will. The case is not one in which compensation can be awarded.

#### QUESTION ON ADJOURNMENT.

**Major BRYAN COOPER:** I give notice that on the adjournment I will raise the question as to the conditions under which Customs examination are carried out at Saorstát ports.

**THE LOAN.****STATEMENT BY MINISTER FOR FINANCE.**

**AN CEANN COMHAIRLE:** The Minister for Finance desires to make a statement with regard to the Loan.

**Mr. BLYTHE:** I am hardly yet in a position to give the Dáil all the figures I would wish to give in connection with the Loan. But I would like to state here publicly what we all know, that the success of the Loan has been greater than even the most sanguine of us expected.

Although we found that the Loan was over-subscribed, so far as we could discover, on Thursday evening, and sent out notice to the Press to that effect, we received on Saturday £825,000, and on yesterday £125,000. If the Loan had remained open until yesterday, which was the date fixed for closing, I have no doubt at all that we would have received between fourteen and fifteen millions. As a matter of fact, even although notices were sent out on last Thursday night, we got in eleven and a half millions from the Bank of Ireland alone, in addition to other large sums that were returned direct by Banks and stockbrokers throughout the country—to their clients. We got all that money from the public, although the banks, in case of necessity, were willing to put up a very large sum. They agreed to do that in the public interest. Not a penny of underwriting commission was paid to anyone in connection with the Loan. The amount that we wanted was more than subscribed by the public in response to the appeal, and the only expenses that we incurred, in connection with the Loan, were the few thousand pounds spent on advertising.

Of the eleven and a half millions that came in through the Bank of Ireland, it was given by something over 22,000 subscribers, so that, in spite of the very large subscriptions which we received, the average subscription to the Loan was a little over £500. We intend, so far as the subscriptions which we received in time are concerned, to allot in full to those who made application for sums of £5,000

and under. When we exclude the further amounts received on Friday and Saturday, we will be able to allot to the other subscribers, without any very large deduction, probably something in the nature of ten per cent.

In addition to the amounts received for the Loan, there was a great increase in the amounts invested in Savings Certificates during the two weeks that the Loan was before the public. One week we received £20,000, and last week we received £53,000. This result was achieved by co-operation from all sections of the public. I desire to thank members of the Dáil and of the Seanad for the help they gave in connection with the Loan. Very many of them went to very great trouble to secure subscribers and to interest their friends in the Loan.

I would like to record my sense of appreciation of the great services that the Press, both the daily and the weekly Press, rendered to us. I have no hesitation at all in saying that the great success of the Loan has been one of the most important things that has occurred for a very long time. It removes altogether, I think, the likelihood that we will have to go outside, to London or to New York, for any money that we require. It is quite evident to me that there is such confidence in the country, and such a willingness amongst the people of all classes to supply what money is needed to carry on the administration of the country, as to make it certain that whatever further sums we may require will be got inside the country. That, I think, is a very important thing, and places this country in a position that I think we would all desire. It makes us independent of many manipulations and many considerations that might be detrimental to this country's interests in the future if we were faced with them.

I believe that the stability of the country will be greatly strengthened by what has occurred. There was a great deal of pessimism before the issue of the loan. I might say that a number of people, not a very large number, whom one would regard as competent, advised us that the terms we were offering were not good enough, and that we would not secure the subscription. A very large number of people told us

that we would get two or three millions, but that we would be flogging a dead horse for the rest of it. All these prophets of pessimism have been confounded. I think that when we started, faced with such an amount of pessimism in regard to the Loan and had such an extraordinary success, that we will undoubtedly be able in our future borrowings to get money on more favourable terms than we have got this money, and that, of course, will be of great importance to the country.

When we have to undertake any works of construction or development, the question of whether a particular work will be economic or will not be economic, will depend very largely on the conditions and on the rate at which we can borrow money. I believe that this country is now definitely on its legs, from the point of view of credit, and that in our future borrowings we will be able to borrow as well practically as any Government or nation can borrow. I think that we have very great reason to congratulate ourselves, and to be congratulated on the way in which all classes have come in to help to do what was necessary at this particular juncture for the country.

### HOUSING QUESTION.

**Mr. A. BYRNE:** Before we proceed to the ordinary business, might I ask the Minister for Finance when he will be in a position to announce the Government's future housing policy?

**AN CEANN COMHAIRLE:** I think the Deputy will have to avail of another occasion for that question.

**Mr. BYRNE:** I might say that every time the question was raised it was put off pending financial rearrangements. Now we are told that the Loan has been a great success, and I think it is time that this question of housing, which is a very serious matter in Ireland

**AN CEANN COMHAIRLE:** The Deputy has given the Minister food for thought.

### EXPIRING LAWS BILL, 1923— (SECOND STAGE).

**ATTORNEY-GENERAL:** I beg to move that this Bill be now read a

second time. It presents no feature exceptional from that which was passed by the Dáil last year, save that a small number of Acts, included in the First Schedule, which had been renewed from year to year for a number of years, are now proposed to be made permanent. The Acts set out in the other Schedule are Acts whose utility is considered still to exist. If there is any question arising, with reference to any of them, I shall be happy to try and deal with them either on this stage or perhaps more properly on the next.

**Major BRYAN COOPER:** I observe that among the Acts which it is proposed to continue in this manner, from year to year, is the Motor Car Act, 1903. I am not going to raise any objection at this stage, or to comment much upon this Order, but I think it is intensely undesirable, now that the Motor Car has passed out of the experimental stage it was in in 1903, that it should be regulated, in the main, first by what one would look upon as an obsolete Act, and, secondly, by an Act renewed from year to year, even though that Act was modified by an Act of the British Parliament about three years ago. I put it to the Dáil that this year the Attorney-General should consider the question of the people interested in the motor business, and bring in an Act, not an annual Act, but some permanent Statute governing this industry and branch of our traffic. I do not want, however, the matter thrown into chaos by not passing this Act, but it is a matter that the Government should interest themselves in and take some definite steps for the future.

**Mr. HALL:** May I ask whether a Government measure can be introduced by a Deputy who is not a Minister of the Government?

**AN CEANN COMHAIRLE:** There nothing on the face of this Bill which shows that it is a Government measure.

**Mr. HALL:** I take it it comes from the Government and that it is a Government measure?

**AN CEANN COMHAIRLE:** If Deputy Hall was interested in the matter

[An Ceann Comhairle.]  
he could bring in a Bill himself, to continue those expiring laws, and if he secured the Government's support that would have the effect of giving him a better place upon the Order Paper.

Question: "That the Bill be now read a second time," put and agreed to.

**ATTORNEY-GENERAL:** It is essential that this Bill should be passed before the 31st of December, and I should propose the Committee Stage for Tuesday next.

**AN CEANN COMHAIRLE:** Has it to pass the Seanad before the 31st of December?

**ATTORNEY-GENERAL:** Yes, it must.

**AN CEANN COMHAIRLE:** Next Tuesday would not serve then.

**ATTORNEY - GENERAL:** To-morrow, then.

**Mr. DARRELL FIGGIS:** Is it proposed to take a Bill of this nature, in respect of which the word "reading" is rather curiously applied because it is done by a symbol, in Committee of the whole House? Would it not be better to take it in a Special Committee where the various Statutes could be available for reference? I suggest it would be more convenient to take it in a Special Committee, rather than in a Committee of the Whole House.

**AN CEANN COMHAIRLE:** The Bill is being taken in Committee of the whole Dáil, and the Committee Stage is set down for to-morrow.

Agreed.

**PUBLIC SAFETY (POWERS OF  
ARREST AND DETENTION)  
TEMPORARY BILL, 1923—(FIRST  
STAGE).**

**MINISTER for HOME AFFAIRS (Mr. O'Higgins):** I ask the leave of the Dáil to have printed and circulated a Bill entitled the Public Safety (Powers of Arrest and Detention) Temporary Bill. It is known to Deputies that the Public Safety Act will expire on the 1st of February next, and I have had to advise the Executive Council that,

for order and security to life and property, in the coming year, it will be necessary that the Executive should have powers of arrest and to detain certain persons reasonably suspected of having committed certain offences which will be set out in the Schedule.

It is unfortunate that the situation should call for the introduction of a Bill of this kind; but it is the fact and our responsibility to the people obliges us to face the fact and to take measures to meet a situation of that kind. We have not, yet, in all areas of the country sufficiently normal or sufficiently peaceful conditions to ensure that a high standard of civic sense will prevail, and to ensure that evidence that would satisfy a Court will be always forthcoming against people who commit crimes.

This Bill then is introduced to meet the situation as it exists, and as it is likely to continue to exist for some months. It will be merely an Internment Bill. It is not proposed now to bring before the Dáil all the Sections of the Public Safety Bill. The idea rather is to break up that Bill into three distinct Bills, one dealing with the question of internment, another being a Firearms Bill, which will be permanent, and a Criminal Law Amendment Bill, which will be introduced early in the next Session. This Bill that is now introduced deals merely with the question of having powers to arrest and detain certain persons on reasonable suspicion—on something short of legal proof, proof that would satisfy a Court. The Bill, I hope, will be in Deputies' hands to-morrow or next day, and it is proposed to take the Second Reading on Friday next.

**AN CEANN COMHAIRLE:** This Bill does not appear on the Order Paper. I take it that leave will be given to introduce the Bill?

**Mr. JOHNSON:** I take it that leave to introduce does not carry with it assent to the Second Reading being taken on Friday?

**AN CEANN COMHAIRLE:** No.

Question put and agreed to.

**Mr. O'HIGGINS:** It is proposed to take the Second Reading on Friday.

**Mr. JOHNSON:** Before assenting to that, I would like to know when Deputies shall have the Bill in their hands? It is obviously a Bill that is raising very important questions of principle, and will require time for consideration before the Second Reading is taken. If we are not to have the Bill before Thursday that would not give time.

**Mr. O'HIGGINS:** The Bill is at present with the printer, and it should be possible to have it in Deputies' hands to-morrow afternoon.

Second Stage of Bill ordered for Friday.

### THE COURTS OF JUSTICE BILL, 1923—FIFTH STAGE.

**The PRESIDENT:** I move that the Bill do now pass.

**ATTORNEY-GENERAL:** There are a certain number of small verbal amendments that it is necessary for me to ask the permission of the Dáil to have inserted in the Bill. Deputies will remember that on the Second Reading, Deputy O'Connell raised the question about having the Irish titles of the various Courts inserted. I am sorry that up to the present it has not been possible to have an agreed set of Irish titles, but I now propose, if there is no objection, to have amendments inserted. The first amendment is in Section 3, line 29, to insert after the word "Court" the words ("Príomh-Chúirt Choireamhail").

Amendment agreed to.

**ATTORNEY-GENERAL:** I beg to move:—

In Section 4, line 3, to delete the words "Saorstát Éireann" and to insert in lieu thereof ("An Ard-Chúirt Bhreitheamhnais").

Amendment agreed to.

**ATTORNEY-GENERAL:** I beg to move:—

In Section 4, line 5, to insert after the word President the word ("Uachtarán"), and in line 6 to insert after the word "Judge" the word ("Breitheamh").

Amendment agreed to.

**ATTORNEY-GENERAL:** I beg to move:—

In Section 5, lines 8 and 9, delete from "the Supreme Court" to "consisting" and insert in lieu thereof the words "a Supreme Court of Justice (Chúirt Bhreitheamhnais Uachtarach) shall be constituted under this Act to be the Supreme Court of the Irish Free State (An Chúirt Uachtarach) referred to in the Constitution and shall consist"; and in line 13 after the word "Judge" insert ("Breitheamh").

Amendment agreed to.

**ATTORNEY-GENERAL:** I move:—

In page 7, Section 21, line 40, to insert after the word "shall" the words "(save as otherwise expressly provided by this Act)," and in line 44, to delete the words "lunacy and in minor matters" and to insert in lieu thereof the words "matters hereinbefore transferred to the Chief Justice"; and in line 46 to delete the words "lunacy and in minor" and to insert after the word "matters" the words "hereinbefore transferred to the Chief Justice."

Amendment agreed to.

**ATTORNEY-GENERAL:** I move:—

In page, 7, Section 22, line 61, to delete the words "procedure and practice" and to insert in lieu thereof the words "pleading, practice, and procedure."

Amendment agreed to.

**ATTORNEY-GENERAL:** I move:—

In page 8, Section 23, line 6, to insert after the words "Supreme Court" the words "(including the Chief Justice)".

In Section 36, line 30, Part II., to delete the words "in Saorstát Éireann" and to insert in lieu thereof ("An Chúirt Breitheamhnais Chuarda"); and in line 32 of the same Section, after the word Judge to insert the word ("Breitheamh").

Amendment agreed to.

**ATTORNEY-GENERAL:** I move:—

[Attorney-General.]

In page 11, Section 43, line 35, to delete the words "in his profession." Amendment agreed to.

**ATTORNEY-GENERAL:** I move:—

In page 12, Section 46 (iv), line 1, to delete the word "actions" where it secondly occurs and to insert in lieu thereof the word "suits"; and in line 4, to delete the word "realty" and to insert in lieu thereof the word "land"

"Realty" would be applicable to only a particular kind of land.

Amendment agreed to.

**ATTORNEY-GENERAL:** I move:—

In page 13, Section 50 (iii), line 15, to delete the word "actions" where it secondly occurs and to insert in lieu thereof the word "suits".

Amendment agreed to.

**ATTORNEY-GENERAL:** I move:—

In page 13, Section 53, line 41, to delete the words "licensing cases" and to insert in lieu thereof the words "relation to the granting of new licences".

**Mr. JOHNSON:** I notice that the Section begins with the words "provided that," as also the two previous Sections. I am not a grammarian, but it occurs to me that it is rather an odd way of beginning a Section, and that these really ought to be parts of the previous Section. I would ask the Attorney-General if he will consider the desirability of amending the form of this before the Bill passes through the Seanad.

**ATTORNEY-GENERAL:** I agree. I think that is caused by breaking up a very long Section. Perhaps this particular amendment will be acceptable, and I will look into it before it reaches the Seanad.

Amendment agreed to.

**Mr. JOHNSON:** Inasmuch as amendments have been received without notice, I would like to know whether it is in order to move that wherever the word "Justice" occurs in respect of Justices of the District Court, we should insert the word "Judge"

instead. The intention of the Government in this matter with regard to the status of District Justices was made clear on earlier readings, and it occurs to me that it is very desirable that we should alter the phraseology of the Bill so as really to indicate these intentions.

**AN CEANN COMHAIRLE:** There is an amendment before that on the paper to Section 67. The Attorney-General has an amendment to Section 65, and I think your amendment would come in where the word "Justice" first occurs, in Section 66. There is an amendment to insert an Irish title in Section 65. If we take that and take your amendment to Section 66 afterwards, should you succeed there you would succeed throughout.

**ATTORNEY-GENERAL:** This amendment is not on the paper. It proposes, in Section 65, line 13, to delete the words "in Saorstát Éireann," and insert in lieu thereof ("An Chúirt Bhreitheamhais Dúitheche").

Amendment agreed to.

**AN CEANN COMHAIRLE:** I think that Deputy Johnson's amendment may be taken now.

**Mr. JOHNSON:** My amendment is that wherever reference is made to "Judges of the District Court," "or District Justices," we shall refer to "Judges of the District Court," "or District Judges," so that in this case the amendment would be:—To delete the word "Justices" in line 18 and insert the word "Judges." We decided during earlier readings that the status of the Justices of the District Courts would be that of Judges, as understood in the Constitution. The term "Justice" in the common understanding rather suggests the Magistrate than the Judge, and I think it very desirable that in the Bill now passing from the Dáil we should give the title "Judge" instead of "Justice," so as to embody what was the declared intention of the Attorney-General on the earlier stages. I would hope that it is not necessary to pursue this argument, that it should be clear once attention is drawn to the matter, and that the Attorney-General will accept this amendment.

**AN CEANN COMHAIRLE:** There is a very nice point in this as to whether it is a verbal amendment or not. If the District Justices are, in fact, Judges, it is a verbal amendment, but if not it is a very substantial change.

**Mr. JOHNSON:** Of course we have assurances that they are Judges.

**ATTORNEY-GENERAL:** The great objection to this alteration of the designation of these Judges is that they have now been established for a considerable time and operating through the country under this particular title, and we do not want to shake our own institutions. Moreover, there is nothing derogatory in the word "Justice." There is no Judge in the High Court who is not spoken of as "Justice" so-and-so. There is absolutely nothing derogatory in it, and I propose to insert here the word "Iustis," which Deputy MacNeill tells me is to be found in the "Leabhar Breac," and I believe it has quite an honourable tradition behind it. I am afraid we could not accept the amendment.

**Mr. JOHNSON:** Does not the statement of the Attorney-General say that there is rather a distinction? In the earlier stages we have spoken of Judges and Breitheamhain. Now, it is suggested that we shall make that distinction and fix it in the Bill in contradiction to the assurances we received on the earlier Stages.

**Mr. DARRELL FIGGIS:** Could the Attorney-General tell us exactly what is the difference as between "Breitheamhain" and "Iustis"?

**Captain REDMOND:** As far as I can see there is no reason for not accepting Deputy Johnson's suggested amendment, except that it was not thought of before, and I really think that, having regard to the categorical assurances we have received from the Attorney-General, that these Justices are Judges within the Constitution, no sound reason has been given by him as to why they should not be called Judges in this Bill except that they had not been called Judges previously. Perhaps when the Bill was under contemplation and was being drafted, the drafters did not think that they were Judges, but

now, knowing that they are Judges, in spite of the fact that there are certain attributes surrounding them which are not the same as those surrounding the High Court and the Circuit Court Judges, it seems to me that they are Judges, and I cannot see why the Attorney-General cannot recognise them as such, and call them by any equivalent Irish name that he likes.

**Major COOPER:** It appears to the Attorney-General that the point is one of inconvenience. The alteration of style of address is not going very far, because in practice they are always called "D.J.'s" and will continue to be called "D.J.'s," whether they are Judges or Justices, in nine cases out of ten.

**ATTORNEY-GENERAL:** I did not know whether the Deputy for Waterford was rising to supply 4 o'clock. The curiosity of Deputy Figgis as to the difference between the words Breitheamhain and Iustis. I am in this somewhat awkward position in the matter, that the Minister for Home Affairs, who, I understand, will later be known as the Minister for Justice, is not here, and these are his particular creations. I should not like to assent to a change in their designation without conferring with him on the subject. I think it would create a good deal of inconvenience by reason of the fact that this designation has so long existed, as some Deputy has mentioned. Every Judge in the Court of Appeal is an L.J., which stands for Lord Justice. There is no very great difference between that and D.J.—District Justice—except in degree. I really do not think there is anything of substance in this proposal. If I thought there was anything derogatory to the District Justices I certainly would be inclined to press the matter with the Minister, who is more concerned in the creation of these Judges than I am, but I do not think there is anything of substance, having regard to the fact that every Judge in the High Court and Court of Appeal has always had the appellation of Justice. There is nothing derogatory in the term, and while I will ask him to consider the matter, from my own

[Attorney-General.]

knowledge of the thing I think that there would be a large inconvenience, and but little gain—perhaps something lost. I cannot myself assent to it at the present moment. I would submit it to the Minister for Home Affairs.

**Mr. JOHNSON:** I am rather afraid to allow this to leave the Dáil without some assurance on the point. I do not know whether it is possible to meet the Minister for Justice, as he will be, before the final passing of this Bill, but I feel there is more than the Attorney-General suggests. We have had, as a matter of fact, assurances given regarding the position of these Judges, and the point would be met, perhaps, if the same Irish title were given to Justices of the District Court as to Justices of the High Court. Where we have a distinction in title, both in the English and Irish, in regard to Justices of the District Court from the Judges of the Circuit Court and High Court, it helps to confirm the popular impression that the District Justices are inferior, and that they are not Judges under the Constitution. That is quite wrong, we at least know, but I hope that in the passing of legislation we should endeavour to put into the Bills exactly what we mean, and that is my desire. If, in the view of the Minister for Home Affairs, it will create so great a difficulty in his Department to alter the term "District Justice" to "District Judge," it certainly will not create that difficulty if we alter the Irish term proposed to be given to Judges of the High Court.

**ATTORNEY - GENERAL:** I may mention that it is well known a number of the District Justices use the Irish language to a large extent, and I know, as a matter of fact, some of them do use the term *Breitheamhain*. Notwithstanding the somewhat challenging ring I generally notice in Deputy Johnson's voice when he refers to this status, there is no doubt that those of the District Justices who know the Irish language felt confident that their position was equivalent to that of *Breitheamh* or Judge.

**Mr. JOHNSON:** Do you want to alter it, then?

**ATTORNEY-GENERAL:** I have no objection to inserting the same word here.

Deputy Johnson's amendment by leave withdrawn.

**ATTORNEY-GENERAL:** I move in Section 66, line 18, after the word "Justices" to insert ("Breitheamhain.")

Agreed.

**ATTORNEY-GENERAL:** I beg to propose the following amendment:—

"In page 15, Section 67, line 26, to insert immediately after the figures '1923' the words and figures '(No. 6 of 1923).'"

Amendment put and agreed to.

**ATTORNEY-GENERAL:** I propose the following amendment:—

"In page 16, Section 72, line 9, to delete the word 'allowances' and to insert in lieu thereof the word 'allowance', and in line 16, to insert after the figures '1923' the words and figures '(No. 6 of 1923).'"

Amendment put and agreed to.

**ATTORNEY-GENERAL:** I beg to propose Amendment No. 10, which is as follows:—

"In page 17, Section 75, line 45, to insert after the figures '1923' the words and figures '(No. 6 of 1923).'"

Amendment put and agreed to.

**ATTORNEY-GENERAL:** I propose:

"In Section 85, line 52, after the word 'called' to insert (*Feadhman-naigh Shíochána*) or in English 'Peace Commissioners'"

Amendment put and agreed to.

**ATTORNEY-GENERAL:** I beg to propose the following amendment:—

"In page 19, Section 86, line 23, to insert after the figures '1923' the words, and figures '(No. 6 of 1923).'"

Amendment put and agreed to.

**ATTORNEY-GENERAL:** I beg to propose:—

"In page 19, Section 88, lines 46 and 47, to delete the words 'on the



civil side or the criminal side' and to insert in lieu thereof the words 'in civil cases or in criminal cases,' and in line 51, to delete the word 'with' and to insert in lieu thereof the word 'and'.

These are purely verbal alterations.

Amendment put and agreed to.

Question: "That the Bill, as amended, do now pass," put and agreed to.

Bill ordered to be sent to Seanad.

## DAIL IN COMMITTEE.

### MINISTERS AND SECRETARIES BILL—(THIRD STAGE RESUMED).

**AN CEANN COMHAIRLE:** Section 6 of the Ministers and Secretaries Bill was under consideration the last day. Amendment 25 had been disposed of. We will now consider Amendment 26, Section 6.

**Mr. JOHNSON:** I move the following amendment:—

To add a new sub-section as follows:—

(3) The Attorney-General may be or become a member of Dáil Eircann, and if he is a member of Dáil Eireann at the time of his appointment he shall not be under any obligation to resign his seat or to submit himself for re-election. He shall hold office so long only as the President of the Executive Council by whom he was appointed continues to retain the support of a majority in Dáil Eireann.

It may be said that this amendment is consequential upon the last. Partly it is. The case for this would be much stronger if the last amendment had been accepted and passed, but even without the last amendment, I think it is desirable that we should state specifically in the Bill that the Attorney-General may be, or may become, a member of the Dáil, and that he is not under any obligation to resign his seat in case of appointment, if he is already a member, and that he shall hold office only so long as the President, by whom he is appointed, is in receipt of the confidence of the majority of the Dáil. It does not necessitate that the Attor-

ney-General shall be a member of the Dáil, and I can understand perhaps good reasons why an Attorney-General need not be a member of the Dáil. I think it is a very good thing for the Dáil that the present Attorney-General is a member. I do not want to make it obligatory that he shall be. The Attorney-General, I think, last week pointed out that the best lawyers might not be the best publicists—though they very often are. I think we should understand clearly, at least, whether it is the intention of the Dáil that the Attorney-General shall or shall not be a member of the Dáil, or whether it is intended to leave the matter optional. That is the reason I bring forward the amendment, notwithstanding the fact that the previous amendment touching upon this subject was defeated.

**ATTORNEY-GENERAL:** I understand that the President will accept that amendment. There is one matter in which I wish to make a reservation. It may be necessary on the Report Stage to modify the wording slightly, for this reason. There might be read into it a suggestion that a statute of the late Queen Anne, I think it was—

**Mr. JOHNSON:** The lady who is dead.

**ATTORNEY - GENERAL:** Which caused certain Ministers in England to vacate office on appointment, had application to Ministers of the Saorstát. I know that that is not what Deputy Johnson has in mind, but it may be necessary in some way to modify the wording.

Amendment put and agreed to.

Question: "That Section 6, as amended, stand part of the Bill," put and agreed to.

## SECTION 7.

(1) The Executive Council may from time to time, on the nomination of the President of the Council, appoint so many persons, being members of the Oireachtas and not exceeding seven in number as the Executive Council shall consider necessary, to be Parliamentary Secretaries to the Executive Council or to Execu-

tive Ministers, and may at any time remove any Parliamentary Secretary so appointed.

(2) Every person appointed under this section to be a Parliamentary Secretary shall continue to hold office so long only as he continues to be a member of the Oireachtas and the President of the Executive Council by whom he was nominated continues to retain the support of a majority in Dáil Éireann.

(3) Each Parliamentary Secretary appointed under this Act shall be paid out of moneys provided by the Oireachtas such annual salary not exceeding in any case the annual sum of £1,200 as shall from time to time be fixed by the President of the Executive Council, with the consent of the Minister for Finance.

(4) Each of the Parliamentary Secretaries appointed under this section shall by his appointment be assigned to act as Parliamentary Secretary to the Executive Council or to an Executive Minister and shall have such powers and perform such duties as the Executive Council or such Executive Minister with the consent of the Executive Council (as the case may be) may from time to time delegate to him.

**Mr. DARRELL FIGGIS:** I move Amendment 27, which is to delete the section. It was said here, at the outset, that this Bill is in the nature of a permanent measure, that it may be added to, from time to time, but that its main provisions will remain as they are. That may or may not be. At this particular moment, when national economy is being urged on every hand, and particularly from the Ministerial Bench, it is undesirable that we should make a departure from our present practice, when that departure involves certain extra expenditure, however small it may be. It is unfortunate, as I said on the Second Reading, that this Bill should come forward immediately after these admonitions with regard to national economy. The Dáil has managed without Parliamentary secretaries—that is, paid Parliamentary secretaries. I agree at once that it would be

very undesirable that people should be asked to undertake national service—although they frequently are, and are happy to comply—without remuneration. There would be nothing to stop a provision of this kind being introduced at a later stage, if found necessary, without being brought into a Bill for the foundation of constitutional Ministerial positions. I think it undesirable that we should set this headline at the present moment.

The first reason why I think this Section should be deleted from the Bill is that it is not in consonance with the preaching of national economy. My second reason is that the President, when recommending this Bill and supporting its principle, made it perfectly clear that it was not Parliamentary Secretaries at all he had in mind as being required. Before I quote his words I should point out that he was referring to a period which we have passed through—the last twelve months—when there were no such persons recognised and paid as such, in the service either of the Ministry or of the Dáil. He said:—

During the period that we have had experience of—that is the last two years—for something like twelve or eighteen months we have had three Parliamentary Secretaries. Two were attached to me: one in my capacity as President, and the other in my capacity as Minister for Finance.

I want to draw attention to the next remark of the President:

The third was the Assistant Minister for Industry and Commerce. The Parliamentary Secretary who was attached to the Ministry of Finance and the Assistant Minister for Commerce were approached by me in reference to one service, which was functioning under the Ministry of Finance, and in the course of their administration of that particular service they saved a sum per annum almost sufficient to discharge the entire estimate of the Oireachtas.

I ask particular attention to these words, too—that in reference to that one service they effected such an enormous saving. The President went on to say:

It is not by nominal economies real results are to be effected, and if

excellent service can be rendered by a large number of Ministers, we consider that power ought to be given in a measure of this sort to enable the Executive Council to have available for the service of the State such assistance as they consider is necessary.

I have drawn attention to two sentences of the President, particularly, because the service to which he referred was not a Parliamentary service at all. It was a service that could have been dealt with by any one of the Civil Servants in his employment.

It was not any work in connection with the business here. It was work in connection with what is known as the Contracts Committee. Now, clearly work done in connection with any Department, any affiliation between that Department and the Contracts Committee, is work that calls for the administration of Departmental Civil Servants, not for the appointment of Parliamentary Secretaries. I have drawn attention to these two sentences for another reason. One of the persons to whom the President has referred was the Assistant Minister for Industry and Commerce. The Assistant Minister for Industry and Commerce was called in to serve in a certain capacity, to help in the work of a certain Department. Unless I am much misinformed, he is still serving in that Department, and is still doing the work in that Department that he did in the previous Dáil, of which he was a member, although he is not a member of this Dáil.

There is an aspect that I want to touch upon as lightly as I possibly can. I realise that we are in a formative period, and many things are done that would not be done under normal experience. But I do suggest, and I do think, that it is not altogether the very best possible practice that members of the Legislature should act as Ministers, and then, failing to be returned, in the next succeeding Legislature should continue to hold and discharge work that they did previously, having turned from being Assistant Minister to being Civil Servants on the staff. I think that is not altogether the best practice.

**AN CEANN COMHAIRLE:** It is not

altogether relevant to the amendment, Deputy Figgis.

**Mr. DARRELL FIGGIS:** I touched upon it in parenthesis, and I deliberately did so.

**AN CEANN COMHAIRLE:** Irrelevant parenthesis is as bad as any other form of irrelevancy.

**Mr. DARRELL FIGGIS:** The main point is that that particular Assistant Minister is still doing that work that he was called upon to do in the last Dáil. Clearly, if he was called in to serve in a certain capacity, and he did good work in that capacity, and is still doing that work, then the reason for the appointment of a Parliamentary Secretary to discharge the work that he discharged is not apparent in this case. I think the President's own explanation, in speaking here on the Second Reading, makes it quite clear that it was not Parliamentary Secretaries that he had in his mind. A second reason, therefore, why I urge and why I think this Dáil should not pass or permit this Section to remain part of the Bill is that it is not Parliamentary Secretaries which the President made it clear that he wanted, but that it was a different function in the Civil Service. Therefore, it is the Civil Servants that he should be thinking of. The third reason hinges upon and follows from the other two. It is this: In the previous Dáil there were three persons acting in different ways in connection with the Civil Service, and we managed successfully with three, although they were not Parliamentary Secretaries. We were meeting very frequently. We met week after week. There was a lot of work to be done. It was pressed through this Dáil almost as quickly as bullets through a machine gun.

**The PRESIDENT:** Were you ever closed?

**Mr. DARRELL FIGGIS:** As the President said, the work was all the greater because he exercised his generosity and never closed. This pressure of work was not placed, and is not placed, upon this present Dáil, and it will not be placed upon this Dáil during the coming year. We heard

[Mr. Darrell Figgis.] that there are arrangements to be made that there will be a lengthy recess during the summer months. It is obvious that the same pressure is not going to be given to the work of this Dáil as to the work of the past Dáil. If, therefore, we managed without paid persons whose whole time was occupied, then clearly, and *a fortiori*, these persons and these extra appointments will not be required in the present Dáil. A clear case has not been made out for the inclusion of Parliamentary Secretaries. I think that unless the circumstances were such that the appointment of such persons was imperative and unavoidable, only under those conditions could such provisions be introduced at the present moment, in face of the demand for economy. I know the expenditure is not much, but there is much in the force of example. Such a case has not been made clear, and because it has not been made clear I think the amendment should pass. If, eventually, such persons become necessary, in the present Dáil, let us at the present moment keep these conditions out of the Ministers and Secretaries Bill, and keep the question of Parliamentary Secretaries to be dealt with at a future day, when the financial pressure is not so much as at the present moment and when a clearer case is made out for their necessity.

**The PRESIDENT:** We have all listened for the past ten minutes to a very learned dissertation upon what one would imagine would be the reason why this Section should be deleted. But it is in essence quite another thing. I do not know whether the Deputy has his mind upon the Dáil or upon the "London Sunday Times"—I think that is the paper. But, I do say that in considering a question of this sort the Dáil is entitled to much more substance than what we have just listened to. Most of the statement made is a statement which, when carefully analysed, is a case for the appointment of those Secretaries. He seeks to divide the Minister's responsibilities between attendance in the Dáil and the administration of his office. He never paid the slightest attention to one while he concentrated on the other. It is not here

in the Dáil that most of the work is done, but in the preparation of the work and in the consideration that has to be given to the various measures to be put forward before they come here at all. Then, there is the general administration of the Department. The Deputy, I am sure, has had in his past life some experience of what the administration of business connotes, as well as the responsibility in connection with Parliamentary work. He knows very well that it is utterly impossible for any man who means to discharge his business properly to come here at three o'clock in the day and sit until 8.30 p.m. dealing with one section of his business and during the intervals of time at its disposal to look after the administration of the work of a big Department.

We got over two forms of Government here, one which was entirely and utterly disorganised, and the other which was in a sort of state of incubation; we got an amateur Government from one, and an utterly disorganised Government from the other. I am not at all sure but that within the next few years persons who occupy Ministerial office in the State will find out, day after day, serious discrepancies in administration. To a man of the conscience of the Deputy, I am sure that would not afford any loss of sleep, but to men who have consciences like the Ministers, it is very different. The Deputy has stated that we had an Assistant Minister. I put it to those who were here during the last Session that you had got that Assistant Minister acting practically as the Minister in charge of Bills, introducing measures, and dealing with subjects raised on the adjournment and other matters. The Deputy, perhaps, objects to the term Parliamentary Secretary. It is a much better term than Assistant Minister.

An Assistant Minister is not known in the Constitution, and a Parliamentary Secretary is not mentioned in the Constitution. It is known elsewhere, but Deputies, in considering this question and in comparing this State with other States, must remember that this State or this form of Government that we now have, really takes its date from the time when the administration of

this country was handed over by the British. There are various dates for that. In some cases it occurred on the 15th January, 1922, and in other cases it did not take place until April 1st, 1923. There were some other cases in which administration was handed over somewhere about December, 1922. Each Minister, in his capacity as head of a Department had got to accept responsibility for running his Department during that time. During the last twelve or eighteen months the attention of the Ministry has been largely directed to the condition of disorder in the country that required some attention. Now, when that stage is passed, gradually it is coming home that there may be economies and improvements, and much greater efficiency effected in the services of the State, by the appointment of those additional officers or assistants to the Ministers. It is not by bustle and not by figurative economies that real economy is effected. The economies which I stated here more than once when introducing this Bill, which I knew had been effected by reason of arrangements made by the Ministry, would not have been possible in some instances were it not for the appointment of Parliamentary Secretaries. I consider the case that has been made in some instances by the Press, and in some instances by Deputies, is a faked case, faked to the knowledge of the Press making it, faked to the knowledge of the Deputies who are making it, and faked to the knowledge of the Deputy who has just spoken.

**Mr. JOHNSON:** I intend to vote for this amendment in view of the unsatisfactory justification, or attempted justification, that the President has given. He suggests that the term "Parliamentary Secretary" is used because it is a little more convenient and better perhaps than the term Assistant Minister. By that statement he intimates that what is really intended is to appoint Assistant Ministers. The equivalent of Assistant Ministers in other Governments is an Under-Secretary of State. The Parliamentary Secretary does entirely different work. We gather what is intended is not a Parliamentary Secretary which would be equivalent to

a Parliamentary Secretary in the British House of Commons, but an Under-Secretary who will answer for the Minister, and, as I fear would happen, who will take all the responsibility for answering the Dáil on questions of administration, which would provide Ministers with an opportunity of evading their Parliamentary responsibility, apart from their general administrative duty.

I am more impressed with the necessity for deleting this Section, because I can see that if we allow Assistant Ministers to do the work of Ministers in the Dáil, bear the brunt of criticism, and answer for a Minister with little less authority than the Minister—provided that he has the backing of a majority party, he would be able to carry off the honours in any circumstances quite apart from the merits of the case that may be made—that tendency will be to detract from the authority of the Dáil, and tend definitely towards more and more bureaucratic government and government by decree or semi-dictatorship. That is likely to be the tendency if the suggestions of the President, in defending this section, work out in practice. I believe it is very desirable that Ministers should have Parliamentary Secretaries, persons who will assist them in actual Parliamentary work. They need not be paid, and if they are to be paid they may be paid a very small additional salary, because of their more constant attendance. I would imagine that any Minister would be able to find active earnest members of his party who would be quite willing and capable to assist in the actual Parliamentary Secretarial work, but that is a very different thing from the appointment of Under-Secretaries or Assistant Ministers.

These Assistant Ministers, as designed by the Bill, were to be Assistants to the Executive Council, or to the Executive Minister. There has been an alteration made in the course of the discussion on that, and there may be Parliamentary Secretaries appointed, or Assistant Ministers to assist non-Executive Ministers, but what is likely to happen with this as a foreshadowing is that Parliamentary

[Mr. Johnson.] Secretaries, or Assistant Ministers, would be appointed to the Executive Ministers, and in practice they would become more important than the non-Executive Ministers who are responsible to the Dáil. That is how it would work out. They would be Ministers to assist the Executive Ministers. They would be called Secretaries but they would be Ministers, and they would be deputed to attend the Dáil to answer criticism and to deal with matters which the Minister proper might find it a little inconvenient to deal with. They would tend to become more important than the External Ministers as they have been called. I think that is a very undesirable development, and I think we ought to know the reason for that development.

Under the Section as it stands, there would be possibly as many as 19 Ministers and Assistant Ministers, or, if you would prefer to call them Ministers and Parliamentary Secretaries, paid out of the funds voted by the Dáil. That is rather too large a proportion, considerably more than is desirable in an assembly of this size. I would just call attention to the last Sub-section of this Section. They are to have such powers and to perform such duties as the Minister, with the consent of the Executive Council, may from time to time delegate to them. The Dáil may say that the Minister shall be responsible for seeing the work done and of answering for the work of his Department to the Dáil. Then we are asked to give the Minister power to delegate such powers as we have given to himself—to give that power to another person. Now, I think that is altogether unwarranted and is inconsistent with the position of the Dáil and of the Executive. I think that the requirements of the case will be well satisfied if Ministers were to appoint Parliamentary Secretaries who would act as Secretaries to Ministers in relation to Parliamentary duties and to that alone, men who could be got to do it because of the training in public service it would give, and as part of their Parliamentary duties, and that there is not required the appointment of Assistant Ministers under the name of Parliamentary Secretaries, as is conceived

in this Section, and as has been explained by the President. The fact that it is proposed to pay such Parliamentary Secretaries a sum of £1,200 a year places them in the position, not of Secretaries in the sense that that is generally understood, but of Assistant Ministers, and of having responsibilities for administrative work outside the Dáil and not necessarily connected with the Dáil. There is another consideration that ought to be taken note of, and that is that within this Section the Parliamentary Secretaries that are to be appointed may be members of the Seanad. I submit it is not desirable that such should be the case if they are to be Assistant Ministers. I could understand the appointment of an unpaid Secretary to a Minister who may have a seat in the Seanad, and who would assist in the conduct of a Bill through the Seanad, but I do not think it is desirable that we should appoint as Assistant Ministers men who would be, in fact, members of the Seanad. For these reasons I am prepared to support the motion for the deletion of this Section.

**Major BRYAN COOPER:** It is an extremely rash thing at any time to try and correct Deputy Johnson on a question of fact. But I think there is a little defect in the information in his mind when he refers to Parliamentary Secretaries. If he speaks of Parliamentary Secretaries, he speaks of a number of members who are Parliamentary Private Secretaries—young Members who attach themselves to Ministers, mainly for the purpose of getting experience of the official work, and for the purpose of seeing the papers and the files, and do an amount of routine work for the Minister. They practically never speak at all—in fact there is an unwritten law that it is bad form for them to speak in the House. But besides them there are Parliamentary Secretaries in the British Parliament, and attached to Ministers in every Department of the Government. There is the Parliamentary Secretary to the Admiralty, and there is the Civil Lord of the Admiralty. There is the Financial Secretary to the War Office and the Under-Secretary for War. Recently additional Parliamentary Secretaries were appointed. In the new Ministry for Pensions there is a

Parliamentary Secretary who is paid, and in that Ministry of Pensions that same man had directly to answer in the House of Commons; and so it may be with other Ministries. That provision is necessitated by the fact that the British Parliament consists of two water-tight chambers, and that if the Minister of one of the great services, or of the great Departments is in the House of Lords, then the Parliamentary Secretary to the Minister represents the Department in the House of Commons, and he has most important work to do, and very often cuts a very much more important figure than the Minister himself. That was certainly so in the case of Mr. Winston Churchill when he was Under Secretary for the Colonies.

**Mr MILROY:** On a point of information, is this the British Parliament or the Free State Parliament?

**AN CEANN COMHAIRLE:** It is neither.

**Mr. MILROY:** I mean the Oireachtas of Saorstát Éireann.

**Major BRYAN COOPER:** I think I am in order and may continue. Generally speaking, I could not support the amendment, because if this power is given to the Ministry to appoint those Secretaries it may enable them to reduce the number of Ministers and decrease the number of salaries. In that respect this Section may lead to real economy. There is the further consideration that might sometimes arise. Suppose it was found necessary to appoint a Minister who sits in the Seanad it would be absolutely necessary for him to be represented by a Secretary here who could answer for him, because Members of the Seanad cannot speak here, and there should be someone to answer for the Department here; otherwise it would fall upon the shoulders of the President. Then, again, in yet another Parliament—the Parliament of Northern Ireland, of which Deputy Milroy is a Member—it was found necessary to appoint one or two Secretaries, even though it is a comparatively small assembly dealing with six counties. Therefore, I cannot support the amendment, although I hope that the Section will be considerably modified before it becomes part of the Bill.

**MINISTER FOR AGRICULTURE (Mr. Hogan):** I want to deal with one point raised by Deputy Johnson. I think it is a pity to mix up the position of the External Ministers and the Internal Ministers in connection with this Section. After all this Section only deals with Internal Ministers—or, rather, Members of the Executive Council.

**Mr. JOHNSON:** The Minister forgets that an amendment has been accepted that covers the whole of the Ministry.

**Mr. HOGAN:** Would it not be better to deal with the Section as a Section as it is making arrangements for Parliamentary Secretaries to Ministers who are Members of the Executive Council? The whole question of the appointment of Parliamentary Secretaries might be decided when it will come up on Deputy Johnson's amendment and he may get satisfactory assurance.

**Professor O'SULLIVAN:** The supporters of this amendment have made a great plea for a distinction between Parliamentary Secretaries and Assistant Ministers. In fact, most of their case, as far as I could follow it, has been in that direction.

But I cannot say that they have made it in any way clearer to me what precise functions they expect Parliamentary Secretaries to fulfil, if they are changed from the description of Parliamentary Secretaries to that of Assistant Ministers in regard to their Parliamentary duties. That does not carry us very far. Occasionally it is acknowledged they must speak for the Minister, but the one thing that seems to emerge from the arguments of the supporters of this amendment is that they wish that these Assistant Ministers shall have no practical knowledge of the Departments of which the Minister to whom they are attached is head. In other words, as regards the one thing they are to speak on, they might as well be gramophones. Gramophones would be quite cheap, but possibly not quite as dignified as Parliamentary Secretaries. What is the good in asking a question of a Parliamentary Secretary if he is merely to repeat the answer left for him by the Minister?

[Professor O'Sullivan.]

The real advantage in appointing people of this kind is that they have some knowledge of the administration, and as far as I can gather from the mover and seconder of the amendment that is the one thing that they are determined they would not have. I do not think that any Assistant to the Minister—even from the point of view of a Parliamentary Assistant—can be any good or of any use unless he has a knowledge of the Departmental work which the supporters of the amendment wish apparently to deprive him of.

**Mr. MILROY:** It would have been helpful, in this discussion, if the supporters of this amendment could have come to some agreement, or to some identity of argument. I find the proposer of the amendment supporting it from a point of view which is an entire contradiction to that of the Deputy who seconded it. Deputy Figgis said he considered that a clear case had not been made out for this section. Whether that is so or not, I certainly think there has been no clear case made out for this amendment. The Deputy reminded us of the admonitions addressed to the Dáil, and to the country, by the Minister for Finance in regard to economy. There is such a thing as economy at the expense of efficiency. I have no doubt, if Deputy Figgis discovered that this Dáil came to the conclusion that his seat in the Dáil should be abolished on the ground of economy, that he would regard that as economy at the expense of efficiency. The trend of the argument of the Deputy who opposed this amendment, Deputy Bryan Cooper, seemed to me to be utterly misleading. I take it that the framers of this Bill did not design its provisions on precedents in other institutions, so much as on the requirements that the Ministry have decided are essential for the proper carrying on of the administration. It does not matter to us really what interpretation is placed upon the term "Parliamentary Secretary" in the British House of Commons, or in the Parliament of Timbuctoo, if there is such an institution, as long as we understand what exactly it means to us here.

Deputy Figgis urged the deletion of this Section on the grounds of efficiency and economy. He urged that the Dáil should not be pinned to the expense which this would entail. Deputy Johnson supported him, but it seems to me his argument, if assented to, would lead to greater extravagance than is involved in this Section. The Section, as it stands, proposes to appoint Parliamentary Secretaries, and gives them a large amount of work to do, both in the Dáil and outside the Dáil. Deputy Johnson urges first, that the work they should discharge should not be nearly so comprehensive or so large as that outlined in the Section. I take it that to a certain extent it has been found necessary by the Ministry that some one should act or discharge the functions of an Assistant Minister. That appears to be considered necessary, and that is the reason why these appointments are suggested, and are termed "Parliamentary Secretaries."

If Deputy Johnson's point of view was carried into effect the function of Assistant Minister would still remain undischarged, and though there might be Parliamentary Secretaries appointed their labours would be confined to the Dáil. Later on the Ministry might find it essential to come along and say that the duties of Parliamentary Secretaries have been confined to the Dáil itself and that Assistant Ministers being essential, they would have to ask the Dáil to make provision for them. I think Deputy Johnson's suggestion would lead to greater extravagance than that outlined in this Bill. There are two more points I wish to make in regard to Deputy Figgis' amendment. He says, first, that he objects to this as being in a permanent statute, but the Section itself does not say that these Secretaries shall be appointed to the number of seven, but that the Executive Council may from time to time appoint such, and also that such appointments can be discontinued when found necessary. So that the danger of having what you would call a grotesque creature in a permanent statute need not unduly alarm the aesthetic sense of the Deputy. As to pressure of work, if ever there was a time when this Assembly is likely to



be confronted with hard, strenuous and continuous work, I think it is in the immediate future. The work we have been doing so far was one of preventing the shipwreck of the State. The work that we will be engaged on in the future will be work of reconstruction. I do not know to what extent these Assistant Ministers or Parliamentary Secretaries may be appointed, but certainly the task of building up the State again upon sure, stable and efficient foundations is a task that I think will tax the energies, not only of Ministers, but of this Assembly, to a much greater extent than it has done while the main burden of the work was that of saving the State from destruction.

**Mr. GOREY:** I think a little too much has been made of the work the Assistant Ministers, as they are now called, did in the last Dáil. It was only in the last days of the last Dáil—I think it would be correct to say in the last few weeks—that most of the members of this Assembly became aware of the fact that Assistant Ministers were in existence at all. It was only when the Assistant Minister for Industry and Commerce had to answer questions here that most of the members became aware of the fact that such a Minister existed. The reason for his appointment, as everybody knows, was that the Minister for Industry and Commerce himself was engaged elsewhere, that

5 o'clock. he was not attending, or could not attend, to his Department, that all his time and energies were occupied outside of the Ministry of Industry and Commerce. For that reason an Assistant Minister became known here in the Dáil. The other Assistant Ministers that have been hinted at I do not think were known to this Dáil at all. They were absolutely unknown except to a few people in the inner circle of the Government.

**Mr. DARRELL FIGGIS:** They are not known now.

**Mr. GOREY:** One reason perhaps that might justify these contemplated appointments would be that we might have a better attendance on the Government Benches than we sometimes have during the discussion of important Bills. The Government Benches might

be somewhat better filled, and from that point of view it might be good. The reason given for the appointment of these Assistant Ministers is pressure of work. We all know that in the last Dáil there was considerable pressure of work. We had to begin from the foundation and try to evolve a new machinery of State. Will the Attorney-General tell us how long that process will take and when we shall have the full machinery constructed and working? When we have the normal machinery of the State constructed and working there will be no rush of Parliamentary business. We will only require to have Sessions of three or four weeks' duration two or three times a year. Then what will be the need for all these Secretaries and all this elaborate Government machinery? It is folly to tell us that there will be pressure of work after twelve months' sitting of the present Dáil. There will not be pressure of work. We ought to have some little sense of proportion and try to realise the smallness of the country that we have to deal with. I do not think that any case has been made out for these Assistant Ministers. We got on all right during the last Dáil when there was considerably more work to be done. The protection of the State that Deputy Milroy referred to and the work of erecting a legal machinery of the State had to be carried out. Still we did it, and I do not think there was any undue pressure. Now when, practically speaking, all this has been done, what do we want of Assistant Ministers? I do not think that a case has been made out for them and the people of the country do not think that a case has been made out. Of course the opinions of the people of the country do not carry very much weight, but I for one will vote for the amendment.

**Mr. DARRELL FIGGIS:** It is a matter of regret, I think, that the President, in dealing with the case that I tried to put as temperately as I possibly could, should have dealt with it so intemperately as he did. When a man gets excited in his defence it is a fairly clear indication that his defence is none too good in his own judgment. He did not only become intemperate, he proceeded to become point-blank discour-

[Mr. Darrell Figgis.]  
teous. I desire here to make a very strong protest against the deliberate discourtesy of which the President was guilty in this Dáil. He said that this case was faked to the knowledge of the newspapers who raised it and to the knowledge of the Deputy who had just spoken. I venture to say in the most quiet and emphatic way that I am not in the habit of making either faked or excited statements in this Dáil. They may be inaccurate, but they will not be inaccurate to my knowledge. If any Deputy deliberately and to his knowledge made a statement that is not true that statement should be called to order. But it was not made merely from an ordinary Deputy, but from the President himself. Yet what did he do? Having charged me with making a faked statement, he went on to say that everything I had stated was correct. I had stated that he did not want Parliamentary Secretaries—that he did not want persons who would act in connection with the service of this Dáil, and, therefore, that a case was not made out. What did he say? What was his defence against this “faked” allegation? He said we had to remember that there was much greater work to be done than the work in this Dáil, and he led one to infer from his words that those persons whom he requires—who I said were not required because it would not be work in this Dáil but outside—would be required because of work somewhere in the Government buildings.

In other words, he takes up the very case I have made; he under-scores every statement that I made, and having done so he says it is a faked statement. I repeat that the President's own words have made it clear that Parliamentary Secretaries are not intended and are not wanted. What is wanted—seeing that the word efficiency has been used I will use it, too—is a more efficient administration in the Civil Service, because the assistance that is certainly and clearly required is assistance required in connection with work in preparation for this Dáil. Those are the President's words. He wanted those persons in connection with work of preparation for this Dáil. That work—I

repeat his words—is not the work of Parliamentary Secretaries: that is the work of Civil Servants.

Deputy Cooper supported the desire for a decrease in the number of the so-called Under-Secretaries, but he said there was one advantage that occurred to him in having them, and that was that their appointment might tend to reduce the total number of Ministers.

When Deputy Cooper says that he states it because he sincerely believes it. I am sorry, but he has not convinced me that the Ministers or the Ministerial party intend to reduce the Ministers by one. Deputy Professor O'Sullivan made a very strange and quaint allegation against myself as one of the supporters of this amendment, that I had not stated what precise functions these Parliamentary Secretaries were to fulfil. The complaint I had made was that nobody else had stated what precise functions they were to fulfil, that nobody had discovered what precise functions they were to fulfil, but they were not to be Under-Secretaries. Reference has been made to Under-Secretaries in another Parliament. Everybody knows what caused the creation of such Under-Secretaries. It is that if a Minister is appointed in England from the House of Lords, he must be represented in the House of Commons. Therefore another Minister, called an Under-Secretary, represents that Department in the House of Commons, or vice versa. That is the cause of the creation of them. But it is a principle of the Constitution that Ministers are responsible to this Dáil and will be appointed from this Dáil. It is in connection with the Parliamentary work of this Dáil that such persons are required, if they are required at all, and I say that in connection with the Parliamentary work of this Dáil there has been no case made out for the appointment of such Under-Secretaries.

That statement I made when I first spoke, and I base it once again, not upon the arguments I might produce here, but upon the statement of the President himself. The President stated to-day, as he stated on the Second Reading, that such persons were wanted in connection with work elsewhere than in the Dáil: in other words, Civil Ser-

vants. If we are going to have a Civil Service, let the Civil Servants do that work, and let the staffs be arranged for them to do it. If Parliamentary Secretaries or Assistant Ministers are required, they should be required in connection with the work of the Dáil. The President has practically admitted the whole case I made in the first instance, and I intend, therefore, to press that there is no occasion, according to the case made by the President himself, whatever, at this time above any other time for the appointment of any additional highly-paid offices in the State.

**Mr. DAVIN:** At an earlier stage of the discussion on this Bill the President, in an attempt to justify the Bill to the people of the country, made the statement that in the last Dáil there were three Parliamentary Secretaries. I asked him to name the individuals, but I did not get an answer. I frankly admit, as far as I am personally concerned, that I have no knowledge whatever of the existence of Parliamentary Secretaries in the Third Dáil. During the discussions on the Estimates we had a feeling that certain members of the Government Party were doing certain work. We scanned the Estimates very closely to find out under which, or under what heading, these men were being paid for their work. We were told, and Deputy Gorey has reminded the Dáil of it, that there was an Assistant Minister for Industry and Commerce. I do not know, and I would like the Minister who replies to inform the Dáil, under what heading or Estimate the salary of that Minister was provided for in the Third Dáil. If no provision was made for any salary in addition to the £360 yearly that the Deputy was in receipt of, then I say that makes the case for the amendment proposed by Deputy Figgis. If men were found in the Third Dáil to perform these duties at the yearly salary of £360, I say it is an additional argument in favour of the abolition of this Section. I am personally inclined to think that if the Dáil assents to the passing of the Section, it will create such keen rivalry between supporters of the Government, who may be looking for these positions, that it will do the Government no good.

I rose mainly for the purpose of making the point that if Parliamentary Secretaries did exist in the last Dáil, and were paid salaries, in addition to the salaries they received as Deputies, I think the Ministry is misleading the Dáil, unless it tells it under what Estimate the salaries were provided. If no additional salaries were paid to these men, then I think that is the best argument we could put forward in support of the amendment.

**Mr. P. J. EGAN:** I have listened to a great deal of criticism as to the necessity or otherwise for these extra Parliamentary Secretaries. I have no experience of the last Dáil, nor do I know what the duties of the Ministers were then, but since I came to the present Dáil I have been impressed with one fact, and that, in my judgment, is that Ministers here are decidedly overworked. It will be within the recollection of the Dáil that a short time ago, owing to the other duties of Ministers the Front Bench happened to be empty on one occasion. At the time the President was engaged in very intricate work in connection with industrial disputes and Ministers generally had great burdens placed on their shoulders, owing to their work outside the Dáil. I think it was Deputy Byrne who immediately called attention to the fact that the Government Bench was empty and proceeded to move the adjournment of the Dáil. As far as I understand, the appointment of these Secretaries will make for greater efficiency in the carrying on of the work of the Dáil and for this reason I am opposed to the deletion of this Section. Deputy Hewat, I think, objected to the appointment of these Secretaries, and I think he took occasion to make an attempt to establish a sort of *entente cordiale* with Deputy Johnson on the head of it. I sincerely hope the entente will develop with very great effects in other directions. I think Deputy Hewat, as a prominent Dublin business man, will agree that no matter what else counts business efficiency should be the first consideration. I do not think it is possible, from the little I have seen of the work of the Dáil, that Ministers could conceivably carry on these duties effi-

[Mr. P. J. Egan.]

ciently without more help. I do not think the country ought to be too critical in a matter of this kind. After all the Ministry are carrying on the biggest business in the State, the running of the State itself, and for that reason I support the appointments.

**Mr. HEWAT:** In connection with Section 7, Deputy Egan has very rightly, I think, stated that efficiency in business is more important even than economy. Agreed. Deputy Egan has also stated that Ministers are overworked. I do not think any member of the Dáil is inclined to be too critical about affording any assistance Ministers require for carrying on their work efficiently. But the Bill before us is not a Bill for the present time. It is not a Bill to meet the urgencies or the needs of the present time. It is a Bill for all time, and when I find the Government asking for authority to appoint seven Parliamentary Secretaries it immediately occurs to me that this is a very unsuitable time, when the Minister for Finance is calling for economy all round, to put forward any such proposition. More particularly is it an unsuitable time, and also unnecessary, as the President tells us he has no intention of appointing seven. That seems to be very contradictory. I do not see why it is necessary to put a Bill through the Dáil which is going to create for all time seven Parliamentary Secretaries, when the President says there is no intention of appointing more than three. I am in disagreement with the Section. On the other hand, as regards the claim that Ministers are overworked, I imagine that is a difficulty which, if Ministers come to the Dáil, will be sympathetically dealt with here, and that the Dáil will provide any assistance that may be required for the time being. If this Section is going to go through in its present form I see no reason why I should be called upon, as a business man, to vote for something that is not shown to be necessary, and which is making provision for appointments that will be very awkward in the future in connection with the administration of the affairs of the State.

**ATTORNEY-GENERAL:** May I

point out that my amendment, No. 33, limits the number of paid Parliamentary Secretaries, in conjunction with Ministers, to a total of fifteen. Deputy Hewat should know that is a Government amendment and consequently the Government is not proposing to appoint seven paid Parliamentary Secretaries.

**Mr. JOHNSON:** The objection that I have to this differs somewhat from that raised by Deputy Hewat, and perhaps Deputy Figgis to some extent. I do not stress what is called economy in this matter. I am doubtful whether the economy argument is very effective except on this ground, that a Parliamentary Secretary, who has to do the work of a civil servant, is less likely to be the most efficient man for that particular job than a duly appointed civil servant would be. He is liable to be changed every four years at least and that does not usually conduce to efficiency in detailed work. But I would draw attention to the Constitution respecting the limitation of the number of Ministers. The number was deliberately limited to twelve, and it was not for the purpose of limiting the number of Departments but for limiting the number of paid members of the Dáil in office. There was a deliberation in limiting the number to twelve, the desire to limit the number of Deputies who would be appointed to paid office. The effect of this Section is to cancel that section of the Constitution. A more straightforward way of arriving at the end, if it is necessary to have a larger number of Ministers, is to introduce a change in the Constitution. The Section, as presented, would allow of nineteen Deputies, and as things are, apparently those nineteen Deputies would necessarily be of the Party which was in the majority for the time being. In the case of the present Dáil that would be very nearly equivalent to one out of three paid out of State funds, and even with a limitation to fifteen it would be round about one out of four. I imagine that the number twelve is the maximum that we should concede as members of the Ministry paid out of the Central Fund or out of moneys provided by the Oireachtas—political appointments. The services to be rendered by these Parliamentary Secre-

taries, as has already been pointed out, are the services of a higher civil servant attached to the Ministry, for the purpose of his parliamentary work, if you like, but certainly the work of higher civil servants, and not members of the political majority for the time being. I imagine that the work would be more efficiently done by such servants, but I do not think there will be a large saving from the £1,200 suggested here. Therefore it is not from the point of view of saving. You may appoint as Parliamentary Secretary a cantankerous or a persistent member of your party who is likely to be a thorn in your side unless he gets an appointment—that is the experience in other Parliaments and we may not be free from similar characteristics—but the buying off of opposition by an appointment of this kind ought not to be possible. Bear in mind that the Constitution has laid it down that the President, in nominating his Executive Council, shall lay their names before the Dáil and get its assent, and that the Ministers who are not members of the Executive Council shall be appointed by the Dáil. But this proposition, so far from securing or requiring the endorsement of the Dáil, is to give authority either to these Ministers or the Executive Council to appoint a Deputy as Parliamentary Secretary or Assistant Minister to administrative office, though a political appointment, irrespective of the sanction of the Dáil. In the other case the sanction of the Dáil has to be secured. In this case there is no suggestion that such sanction will be required, and you will find yourselves in this position, that you may appoint a Deputy to be in charge of Local Government, or Agriculture, or Education, and that a defeated man, if there has been a contest, could be appointed over your heads by the Minister. True it is, of course, that the Minister is liable to the condemnation of the Dáil, but again you will be faced with the choice either of agreeing to the Minister's nomination or forcing his resignation, and that is not the kind of choice that should be put forward too often. You may say that for administrative purposes the Minister would be too valuable, and you would allow the un-

desirable thing to be passed rather than force a resignation. I submit that the constitutional intention is being evaded by the introduction of this Section.

**Mr. BLYTHE:** Unfortunately I was absent during part of the debate, and some of the points that I may make may have been made already. There would be no use in a Parliamentary Secretary in the sense of a person who was not going to make himself familiar with the working of a Department and take his share in the work, with authority to take some definite departmental responsibility off the Minister's shoulders. There would be no use in a Parliamentary Secretary whose duties were confined to the Dáil. There was some confusion about that point when the Bill was introduced. I myself happen to have had experience of the working of two or three Departments. I am quite satisfied that there can be no justification for having eleven or twelve Ministers and seven Parliamentary Secretaries. I believe that the appointment of as many as seven Parliamentary Secretaries could only be justified if we were appointing under the charge of one Minister two or more of the Departments of State. In these circumstances it was suggested by one Deputy that it might be as well to say: "Have only seven Ministers and three Parliamentary Secretaries." I agree that I could conceive circumstances when that would be the best arrangement that could be made, and I think that it would be well to be able to make that arrangement. On the other hand, there are Departments, even as matters stand, which, I think, require, and will continue to require, the services of somebody in addition to the Ministers. You have matters that can only be decided by somebody who is not a Civil Servant. I think that it would be bad to have Parliamentary Secretaries for work that should properly be done by Civil Servants, and I say that the Civil Servant who spends his whole life at the work, who is not likely to be removed at the end of four years, can do work much better than a Parliamentary Secretary; but there are matters continually arising where the Civil Servant cannot go ahead without guidance,

[Mr. Blythe.]

without the laying down of a policy by somebody who is not a Civil Servant.

Even some of the matters into which policy enters are in some respect matters of detail. They create precedents which involve the decision of somebody who is either a Minister, or, if you like to call him so, an Assistant Minister. In the Department of Finance, for instance, I believe there will always be need for a Parliamentary Secretary. Even allowing for the conditions of the present time, and the extra work that arises out of these conditions, I believe that it will be impossible almost at any time for any Minister for Finance to give attention to the matters that require what I call Ministerial decisions I know, so far as I have been in office, that there are many matters, whole sections of work, to which I have not been able to give any attention whatever, sections which would repay Ministerial attention. Then, apart from Ministries that would require, I think, at all times a Parliamentary Secretary, there are other Ministries that would require them in the present circumstances. Take the Ministry of Defence. Whether a Parliamentary Secretary would be permanently required there or not is a matter that would depend on the future army organisation, on the type of army you had, whether you had an army of the present or a territorial type. It would depend on a variety of circumstances, and I am certainly aware that at present, in view of the financial matters surrounding army administration, and the financial matters requiring a clearance of things that arose in times of stress and difficulty, the appointment of a Parliamentary Secretary would be economy in the present circumstances. I have no doubt that the appointment of somebody with, as it were, Parliamentary authority, and with the status that would come from being a Parliamentary Secretary, as apart from being a Civil Servant, would result in efficiency and improvement in financial administration that would repay his salary very many times, and would be a source of great satisfaction to those concerned with the financial administration of the

army. The matter is simply one of facing our own problems. We have been told about the number of Ministers elsewhere, and we have had comparisons drawn between this country and Australia and other places. We have our own difficulties; we have problems of order, finance, and land of our own particular type. If we escape some of the problems of new countries, we have our own. It is not always a wise thing to go too far in the way of relying entirely upon the Civil Service. The fewer Ministries you have, the fewer Ministers you have, the more you depend on the Civil Service. The wider the scope of the Minister's Department, the less he can go into any matter in it, and the more he has to rely on his staff, not merely for integrity and fair dealing, but for the formation and execution of policy, and for the actual framing of measures to carry the policy into effect. You could have unnecessary duplication, but you have to learn to some extent by experience here. We might find it possible when we get normal times, and Civil Servants accustomed to the new conditions and the responsibilities that are thrown on Civil Servants by self-government, a Civil Service recruited and trained in the new school, and with its mind fixed on the problems of work and of government as it exists, to do with very little more than the seven Ministers, without speaking of Parliamentary Secretaries at all, but that time is certainly a very considerable way ahead. My own opinion is that for some time we could not go on very well with a lesser number of Ministers, and without, at any rate, two or three Parliamentary Secretaries. If circumstances change there will be opportunities of reducing the number, but we are providing machinery not for all time, but for some reasonable length of time. We are providing not simply what may be necessary for this year or next year. We should at least anticipate that what we are providing here will serve the needs of a reasonable number of years. I am convinced that we will need two or three Parliamentary Secretaries for a very considerable time, even apart from any reduction in the number of

Ministers. So far as we can judge as to how business will go from the experience we have had, we certainly will require to put in a number of Parliamentary Secretaries who will take some section of the work from the Ministers, and give that guidance in policy and make those decisions that Civil Servants cannot make in a satisfactory way. Everyone knows that when in the rush of business, and the position was very difficult, all of us were giving attention to matters largely concerned with the preservation of the State and the defeat of the Irregulars, when there was a certain amount of neglect of Departments, and when Ministers could not give their minds to the work of the Departments, it was impossible for the Departments to go along under our present system of control.

Until we have settled down, until the Civil Service here, which was not created as a Civil Service for an Irish State, has grown accustomed to the new responsibility, until the ordinary routine machinery is working well and smoothly, until we have had some experience of its efficiency, it would be false economy to cut down the provision made in this Bill. I never heard it stated that it was intended to provide that no more than 12 members of the Dáil should hold political office. I think it was intended to provide that there should not be an unnecessary sub-division of the Departments of State, that there should be a limited number of people actually, primarily and, if I may say so, personally responsible to the Dáil for the carrying on of the work of the State. I did not hear the other suggestion made at all.

**MR. DARRELL FIGGIS:** I would like to make acknowledgment, if I may, of the candour and—I say, by way of contrast—the courtesy with which the Minister for Finance made the case for this Section. He has admitted that there is, at least, some argument on the side of those who wish to have the provision for Parliamentary Secretaries removed. I am perfectly willing to admit that there is a great deal to be said for the case that is urged, but I think the great consideration at the moment is that it is unwise to proceed with this Section now. I desire to draw

attention to one argument the Minister brought forward, which is certain to have effect on the future of the State. He said, as well as I recollect, that he hoped to see the day that there would be seven Ministries and seven Parliamentary Secretaries. The Minister will recall that about a year ago, in the Dáil, there was a certain very mordant critic of the Executive provisions of the draft Constitution, who said that that would be the exact result that would be ultimately achieved. I agree with that critic that it will be achieved; it is being achieved. If that were to come about—as it could come about and can come about despite the provisions of the subsequent amendment in the name of the Attorney-General, to which he has referred—it would mean that the provisions of the Constitution, providing for the existence of Ministers who should not be members of the Executive Council would have been automatically and quite neatly and deftly dodged.

The Minister, replying to my argument that this was work fundamentally for civil servants, said that while a great deal of the work could be done by civil servants, there comes a moment when a decision is necessary which cannot be taken by a civil servant, but must be taken by someone in charge of policy. I appreciate that fully, but I do say that that decision will have to be taken, not by the Parliamentary Secretary, but by the Minister, and that the Parliamentary Secretary himself will be running to the Minister for a decision in exactly the same way as the civil servant would. Therefore, I hold that the case has not been made, and that this Section should be deleted from the Bill.

**MR. HEWAT:** It seems to me that the Minister for Finance, in his statement, has really put forward the argument that three Parliamentary Secretaries are required. He has never tried to make a case for any more. The next amendment, No. 28, confines the number to three. Would the Government say that they would accept that?

**AN CEANN COMHAIRLE:** No. 33 is the Government amendment.

**MR. HEWAT:** The amendment to

[Mr. Hewat.]  
which I refer is No. 28, which confines the number of Parliamentary Secretaries to three instead of seven.

**The PRESIDENT:** We would not be in a position to accept that because it would not effect the purpose that has just been indicated by the Minister for Finance and which, I think, was also indicated by myself the last day—that the time might come when there would be a fewer number of Ministers than is proposed now and a greater number of

Parliamentary Secretaries. The amendment that would be acceptable is the one in which it is stated that the number of Ministers and Parliamentary Secretaries would not exceed fifteen.

**Mr. DARRELL FIGGIS:** I understand that the amendment before the Dáil is amendment 27.

**AN CEANN COMHAIRLE:** I am well aware of that.

Amendment put.

The Dáil divided: Tá, 24: Níl, 46.

Pádraig F. Baxter.  
Seán Buitléir.  
Seán Conlan.  
Darrell Figgis.  
David Hall.  
Connor Hogan.  
Seamus Mac Cosgair.  
Tomás Mac Eoin.  
Patrick McKenna.  
Tomás de Nogla.  
Ailfrid O Broin.  
Tomás O Conaill.

Earnán Altún.  
Earnán de Blaghd.  
Seamus Breathnach.  
Seoirse de Bhulbh.  
Próinsias Bulfin.  
Seamus de Burca.  
Bryan R. Cooper.  
Henry Coyle.  
Sir James Craig.  
Louis J. D'Alton.  
Máighréad Ní Choileáin Bean Uí Dhrisceóil.  
Patrick J. Egan.  
Osmond Grattan Esmonde.  
Alasdair Mac Cába.  
Domhnall Mac Cárthaigh.  
Liam T. Mac Cosgair.  
Desmond Fitzgerald.  
Pádraig Mac Fadáin.  
Pádraig Mac Giollagáin.  
Seán P. Mac Giobúin.  
Seán Mac Giolla 'n Ríogh.  
Seoirse Mac Niocaill.  
Liam Mag Aonghusa.

Tá.

Aodh O Cúlacháin.  
Liam O Dáimhín.  
Tadhg O Donnabháin.  
Eamon O Dubhghaill.  
Mícheál O Dubhghaill.  
Donchadh S. O Guaire.  
Domhnall O Mocháin.  
Domhnall O Muirgheasa.  
Tadhg O Murchadha.  
Pádraig O hOgáin (An Clár).  
Patrick K. Hogan (Luimneach).  
William A. Redmond.

Níl.

Martin M. Nally.  
Seán T. Nolan.  
Mícheál O hAonghusa.  
Cristóir O Broin.  
Seán O Bruadair.  
Próinsias O Cathail.  
Aodh O Cinnéide.  
Eoghan O Dochartaigh.  
Seamus N. O Dóláin.  
Peadar O Dubhghaill.  
Peadar O Dubhthaigh.  
Eamon S. O Dúgáin.  
Seamus O Leadáin.  
Fionán O Loingsigh.  
Thomas O'Mahony.  
Pádraic O Máille.  
Risteárd O Maolchatha.  
Seamus O Murchadha.  
Pádraig O hOgáin (Gaillimh).  
Seán M. O Súilleabháin.  
Andrew O'Shaughnessy.  
Caoimhghín O hUigín.  
Patrick W. Shaw.

Amendment declared lost.

Amendment 28 (Section 7):—

In sub-section (1), line 34, to delete the word "seven" and to substitute therefor the word "three."—Bryan Cooper, Connor Hogan, Seán O Duinnin, Mícheál O hÍfearnáin.

**Major BRYAN COOPER:** I put down this amendment in order to try and discover why seven was selected as the number of Parliamentary Secretaries.

There was no explanation given on the Second Reading. I do not know whether the Government look upon the number as a lucky one, or whether they visualised the Parliamentary Secretaries gathering together and reading Wordsworth. The amendment, No. 33, which is in the name of the Attorney-General meets my point, which is that there shall not be more than three Secretaries. I think it is more flexible as it does not tie the Government down.



I do not propose to move my amendment, but, of course, I cannot bind the Deputies on my left.

**Mr. CONNOR HOGAN:** I beg to move the following amendment:—

“ In sub-section 1, line 34, to delete the word ‘ seven,’ and substitute therefor the word ‘ three.’ ”

I do so for the reason that we have already passed the incipient stage in the functions of Government. The Ministers are no longer with the sword in one hand and the trowel in the other. I notice that the Attorney-General and the Minister for Finance have put down at the end of Section 31 “ provided the total number of persons who shall at any one time be in receipt of salaries as Ministers or Parliamentary Secretaries shall not exceed 15.” Superficially that is very fair, but while we listened to the Minister he pointed out it was the probable intention of the Executive Council, sooner or later, that each Minister would assume more than one Department, possibly two or three; in other words, the Executive Council would concentrate all power and authority in their hands, and they would work through subordinate Parliamentary Secretaries. I hold that violates the spirit of the Constitution, which expressly provides for Extern Ministries. I think when that was adopted here twelve months ago it was pointed out that some certain Departments might see their work and functions were more of an official rather than a political character, and would realise it would be wrong and contrary to public policy to have those come within party scope. The function of the Dáil, in those circumstances, was to control those by having Ministers directly responsible to the Dáil. For that reason I move my amendment.

**Mr. HOGAN (Galway):** What has this amendment to do with the question of External Ministers?

**AN CEANN COMHAIRLE:** Is that a rhetorical question on the part of the Minister for Agriculture?

Amendment put and negatived.

**Mr. MORRISSEY:** I beg to move the  
Vol. 5.

following amendment:—

“ In sub-section (1), line 36, to delete the word ‘ Ministers ’ and to substitute therefor the word ‘ Councillors.’ ”

The phrase in the Section “ Executive Ministers,” as a description of the Ministers who are members of the Executive Council, seems to suggest that the other Ministers are not Executive Officers but are merely administrative or some other sort of inferior Ministers. I think it is important that the dignity and status of these Ministers should be maintained and they should be protected from even inferential slight. If a short description is needed the phrase “ Executive Councillor ” suggests itself. In England or Canada you have the term “ Privy Councillor,” and turning to more honourable bodies, you have the “ Executive Councillors ” of Trade Unions.

**Mr. DARRELL FIGGIS:** I would like to ask, pertinent to the amendment moved, what is the meaning of the words “ Executive Ministers.” Are not all Ministers Executive Ministers?

**Mr. JOHNSON:** Are we not to have any response from the Ministerial Benches in regard to this matter? Are we to understand that the amendment is accepted? Are we not to be told that it is accepted?

**The PRESIDENT:** I thought the amendment was unconstitutional. I believe that in the Constitution it is laid down that they should be Ministers, and if you want to call them any other name it would be in conflict with the Constitution. I did not think it was necessary to say that.

**Mr. JOHNSON:** It is not in accordance with the Constitution that only certain Ministers shall be called Executive Ministers. I take it a Minister has Executive responsibility even though he is not responsible with the Council. To say that a man is an Executive Minister, and to suggest that only he is an Executive Minister and that non-Executive Council Ministers have no Executive responsibility, is an interpretation of the term that is very foreign to me. I imagine at least the Minister for Fisheries, for instance,

[Mr. Johnson.] has Executive responsibility for the work of his Department. Perhaps the Attorney-General will tell us whether that is so or not according to the Constitution.

**Captain REDMOND:** He will look it up.

**Mr. JOHNSON:** I do not think it is requisite that he should look it up. He knows quite well from memory that the Minister is responsible for the Executive work of his Department. The phrase in the Section quite clearly would confine the responsibility for Executive work to those who are members of the Executive Council. Whether the term suggested in the amendment, "Executive Councillors," is the best, I am not going to say, but I believe it is very much better than Executive Ministers, and it is a surprising interpretation of Constitutional requirements for the President to say that we are bound to call them Executive Ministers.

**Mr. DARRELL FIGGIS:** I would like to repeat the question that I put and that seems to have aroused a certain amount of derision from Deputy Magennis. Every Minister is an Executive Minister, but these words suggest that certain Ministers only are Executive Ministers. I do urge that the better form of words could be devised. I admit I do not like the word "Councillors"; it has not gathered round it either very excellent traditions or procedure; but I do suggest you might use the word "Secretaries" to the Executive Council, or to Ministers being members of the Executive Council. That, I think, would meet the case with persons who had been appointed as Ministers by the Dáil and not as members of the Executive Council, but who were nevertheless Executive Ministers.

**Professor MAGENNIS:** The point made by Deputy Figgis merely illustrates the remark that I made in an aside, and which, of course, was unparliamentary and not meant for the general hearing. It may be out of order to repeat it. What I said was that when Deputy Figgis is ignorant he is fearfully ignorant. He might have

noticed, when he was furnished with a copy of the Standing Orders, which includes, among other documents, for the enlightenment of the members of the Dáil, a copy of the Constitution, there is an index to the Constitution beneficently provided to make it easy for Deputies to consult, at moments of stress and difficulty, the original version. On page 196, under the head of Executive Authorities, we get the number of Ministers. That is, the number of Ministers with Executive Authority.

The point is merely a small dictionary point, and Deputy Johnson is quite correct in saying that a Minister, in so far as he is at the head of a department, has Executive duties, but that is commonly called administrative work, and is exercised in the administration of the law and the carrying out of public administration. The term "Executive" has a specific meaning in our Constitution, and from Articles 50 to 56 what that specific meaning is, is stated in the most unmistakable fashion. Executive authority is to be exercised through the Executive Council, and the number of Ministers constituting the Executive Council is laid down to be not less than five and not more than seven. Then there are to be other Ministers, and these Ministers are not to be members of the Executive Council. At the time of the setting up of these arrangements, it was declared that it was for the better administration of their departments that they were not to be charged with the joint Executive responsibility which pertains to each member of the Executive Council, and to all of them. Those outside Ministers, by the way, are not necessarily to be appointed, but may be appointed—the clause is permissive. They have no Executive responsibility, no share in the Executive responsibility within the meaning of "Executive" in the Constitution. They are responsible for the administration of their departments, if, and when they exist, direct to the Dáil. There would be no room for mistake, it is true. So far, Deputy Johnson is right. "Executive Ministers" can only mean one thing for those familiar with the Constitution, and who will read the legislation of this Dáil with particular reference to the Constitution. But for people who have not any

acquaintance with the Constitution it would be simpler undoubtedly if it read "Ministers who are members of the Executive Council." There is no question of policy or loss of principle in the matter. It is merely a question of what is or what is not a more desirable form of words. I would have assumed—and I would be surprised if it was an undue assumption—that every member of the Dáil is perfectly familiar with the terms of the Constitution. Constitutionally the Executive is a Council. I have not to look at these matters, but I am accustomed to document statements, no matter how sure I am of the facts. It is exactly what the Attorney-General would do in court. No matter how well he knows the law, he would make sure that he would cite for the Judge the particular case which is his authority. The fact of consulting a copy of the Constitution, before declaring what is in the Constitution, is in no sense an admission of being familiar with its contents.

**MR. JOHNSON:** I would just suggest that Deputy Magennis, while giving very excellent advice very shortly before told the Dáil that to understand what was in the Constitution the only thing they had to do was to consult the index. I agree that the matter is not a matter of principle at all. It is a matter of terminology and convenience. I would suggest that if we take from this Bill the term "Executive Minister," then it becomes fixed in everybody's mind that the Ministers who are members of the Executive Council are members of the Executive Authority, and that those without the Executive Council are the Ministers with Executive Authority for the work of their Departments. The implication will be in the minds of those not familiar with the Constitution—even Deputies of the Dáil are not familiar with the Constitution—that the Ministers who are not members of the Executive Council are not in the same position of having Executive control over their own department. That is the kind of inference that will inevitably grow out of the adoption of this phrase. I suggest that without pinning great faith to the phrase "Executive Councillors" that it is better than

"Executive Ministers" to describe the members of the Executive Council.

**Captain REDMOND:** The term Executive Minister seems to suggest that it is an exclusive one and that the other Ministers are not Executive in the same respect. Now we have been referred, not for the first time, to the Constitution. On looking at the Constitution, I discover under Article 55 that these Ministers are described in a very simple way. The total number of Ministers, including Ministers of the Executive Council, shall not exceed twelve. Well, I do not see why the Government could not adopt the wording of the Constitution and I think it would put out of our minds and the minds of the general public this misconception. It is only a verbal alteration.

**ATTORNEY-GENERAL:** I would like to remind the Dáil, without referring to the index, that this phrase has already been used in a number of Acts passed by the Dáil, perhaps in its less critical moods. In some of the more recent Acts it has become practically an established term and so it seems a very convenient term, to define the Ministers who are responsible primarily for the general Executive Government. We have no Privy Council, and I would suggest to the Party opposite that it would not be well to introduce the savour of that institution as we did know it in the past. We have escaped certain consequences perhaps that might accrue from such an institution. We do not want, on the other hand, to introduce the other analogy, and I suggest that the term "Councillor," from whatever angle you look at it, is not the best epithet to apply to a Minister, at any rate when you are describing him with good will. I suggest that the expression which has already received the legislative sanction of the Dáil should now be adhered to as the most convenient phrase.

Amendment put and negatived.

**Mr. EAMON DOYLE:** I beg to propose:—

"In sub-section (2), line 38, to delete the words 'this section' and to substitute therefor the words 'the next preceding sub-section.'"

[Mr. Eamon Doyle.]

Although this has been dealt with, as a matter of fact, on other occasions, it is really only a drafting amendment to the new sub-section proposed to be inserted before sub-section 3, so as to admit of the appointment of Parliamentary Secretaries to Ministers who are not members of the Executive Council. It can, therefore, be deferred if An Ceann Comhairle gives leave until those later amendments are disposed of, since it would become necessary in the event of their defeat. It would not make any real difference to the Bill, as it stands, if it were accepted, regardless of what happens to the other amendments. Therefore, I beg leave to move the amendment.

Amendment 30 put and agreed to.

**Mr. JOHNSON:** I beg to move Amendment 31. Before sub-section (3) to insert two new sub-sections:—

(3) A Minister who is not a member of the Executive Council may, with the approval of Dáil Eireann expressed by resolution, appoint a person being a member of the Oireachtas to be his Parliamentary Secretary, and may at any time remove a Parliamentary Secretary so appointed.

(4) Every person appointed under the next preceding sub-section shall continue to hold office only so long as he continues to be a member of the Oireachtas, and the Minister by whom he was appointed continues to hold his office.

I should like to be allowed to alter the term "Oireachtas" in both sub-sections to the word "Dáil." The intention here is clear enough. It is intended to allow Ministers who are not in the Executive Council the same privilege, shall I call it, as members of the Executive Council who shall hold office, and the Secretaries shall hold office only so long as the Minister who appointed them continues to hold office. The possibilities are that if there is a case made for Secretaries to Ministers who are members of the Executive Council because of the pressure of work, the Department in charge of External Ministers may also be overworked

and Secretaries appointed. It is even more important for non-Executive Ministers to have a right to appoint a Secretary, inasmuch as he may not be a member of the Dáil. It is possible for a Minister not a member of the Executive Council to be appointed from outside the Dáil. Therefore, in such a case it would be convenient for that Minister to have a right to nominate a Parliamentary Secretary. I move these sub-sections 3 and 4.

**Mr. O'HIGGINS:** It is proposed to accept the amendment moved by Deputy Johnson.

**AN CEANN COMHAIRLE:** The amendment will therefore read with the word "Oireachtas" wherever it occurs altered to the word "Dáil."

Amendment put and agreed to.

And it being 6.30 p.m., and Private Business being set down by Order, it was decided to report progress.

#### DAIL RESUMES.

Progress reported. Committee to sit again.

#### PRIVATE BUSINESS.

#### TRANSPORT AND COMMUNICATIONS BILL, 1923—Second Stage (resumed).

Motion made and question again proposed:—"That this Bill be now read a Second time" (Mr. Johnson).

**Mr. HEWAT:** By the courtesy of the Dáil, I am in a position to continue the remarks I was expressing on the Bill on the last occasion that the Bill was before the Dáil. I then put forward, as a business man representing businessmen, that the proposition contained in this Bill for nationalisation of the railways was not acceptable to them, and as this is the foundation of the Bill, I was speaking against its acceptance by the Dáil. If we turn to the financial Sections of the Bill, they are, of course, of a confiscatory nature, and I rather gather from Deputy Johnson that they have been embodied owing to the example set by the Minister for Agriculture in his Land Bill.

**AN LEAS-CHEANN COMHAIRLE** took the chair at this stage.

**Mr. HEWAT:** This Dáil has the right, subject to public opinion, of confiscation, but in cases of this sort, where there is a very definite value placed on securities of a commercial nature, I do not think this Dáil would agree that the people holding these securities, in the event of their being required for national purposes, should get less, but rather more, than their market value. I will not dwell on this, because I think the Leader of the Opposition would be the first to admit that principle, and, therefore, I do not think it is necessary, at this stage, to go beyond saying that the Bill proposes to acquire certain things from individuals at less than their value. I think that is a bad principle on which to start the question of the nationalisation of the railways or the nationalisation of anything else. When we turn to the administration that is proposed to be set up in connection with the Bill, we find that it is proposed to put the railways under the management of a Board of Control. At the head of that Board is to be a Director, and his qualifications are to be qualifications in administering railways, and generally of being in the position to be able to manage them. I rather think that if this Bill was passed, this Dáil would be on the look out for a super-man, and as well as being a super-man in connection with railway administration, he would also have to be a man of a very philosophic temperament, because he is supposed to manage the railways, and after all, the management of the railways would not be, if left in his own hands, a task beyond his powers. But, coupled with that, he is to have a Board. Now, this Board is set up, and I take no exception to it, nor do I cavil at it, but it is set up from a political standpoint. It is a purely political Board. In the first place, pride of place, if I may say so, is given to business men. You have a business man representing manufacturers, and another business man representing commerce as a whole.

No doubt, in the selection of these men by the Ministry and the Executive Council, due regard will be paid to their qualifications as good citizens and as worthy representatives of trade and commerce. But, they would be sitting

on this Board with a very definite interest in securing for trade and commerce certain facilities and certain rates. After that, the Bill provides for labour representation. It will not trouble any member of the Dáil to come to the conclusion that labour would be sitting on this Board with a very definite object, too. Then there are two representatives of agriculture. In connection with that, we have heard the Farmers' Party say that they had arrived at a point at which they cannot pay rents, rates or taxes. It would not be a far stretching of the imagination to say that their position on this Board of Control would lead them to say that they could not pay transport charges either, and possibly they might claim, in addition to free transport by the railways that they should also be provided with steamships to transport their goods to other countries, and make the case that owing to the rate of exchange, or some other cause, they were unable to compete with these countries. In addition to these representatives of trade and commerce and labour, you have got a representative of the Ministry of Finance, whose business, I suppose, it would be to see that there was no money spent on anything.

This Board that is to be set up may be good from a political standpoint, but from a commercial standpoint I fancy that no one will accept it as a Board that any body of business men would put over any concern to be managed in the interests of shareholders. After all, you in this case would be the shareholders, so that the hope of any dividend accruing from such an organisation and arrangement would be very slight indeed.

This Bill is very ambitious. It is not satisfied with the arrangement of, or the control of, the railways, but it also provides for the management of telegraphs, roads and transport. One thing it does not provide anything for, and that is the unfortunate travelling public. It seems to me that the man in the street, or the ordinary travelling member of the community, or the man that uses the railways in a small way, would be in the position of having to pay the piper without being able to call the tune, or even without any effect on the

[Mr. Hewat.]

tune, and for fear that this unfortunate man might escape the nets set out to trap him in his ordinary daily life, there is a provision in the Bill giving control of the roads, posts and everything else. It would seem to me to be setting up a kind of State nationalisation which would very effectively interfere with the liberty of the subject. For instance, if this national school teacher that we heard of, with his motor car, thought that he would make use of it in preference to the railway, I suppose we might conceive the possibility of his being told that he had no right to use his motor car, that he must use the railway because it is State owned, and incidentally he might be refused the right to use the roads. Speaking as a business man, I say that we want as little interference as possible by the State in connection with the carrying on of our business.

We do not approve of State interference more than is necessary. This Bill is the essence of State interference. If the Dáil were disposed to accept this Bill as it stands, or to pass the Second Reading of it, I feel sure that it would do an immense amount of harm in connection with enterprises as a whole. In other words, business can be better carried on in an atmosphere of confidence and initiative and enterprise by business men, who will not be affected by undue interference by the State. In the particular case of the railways, I said on the last occasion I saw no reason why that they should be put in any preferential position to other businesses that are carried on in the ordinary way. It may be that they are larger than the ordinary businesses and that their ramifications are greater, but there is nothing wrong with the railways, and this Dáil cannot put right what has to be put right under private ownership. I venture to think that under private ownership a certain amount of control always exists in connection with the railways of the country. I see Deputy Johnson smiles, but from their start there was that control, because when they were built, in exchange for the facilities given to them, they were required to do certain things. Under the conditions they

work, and under the control which this Dáil has the power of putting into operation, the development of the railways will satisfy, in my opinion, all the reasonable demands of trade and of the public to be supplied with the best service that can be supplied and the best facilities that can be afforded.

Deputy Johnson in introducing this Bill told the Dáil that we are not going to get anything out of State control. That was very honest considering he is bringing in this Bill, but that is the fact. Under no conceivable circumstances can either the public, or anybody else, except perhaps the people who are going to get salaries out of it, acquire any benefits that private enterprise will not give them, if private enterprise is surrounded with security so as to carry on its business and develop itself in a peaceful and favourable atmosphere. The fostering of that spirit in connection with industry will do far more for the country than interference by the State in matters which, I submit, it is not capable of handling in a way that private enterprise will handle any business concern.

**Mr. WOULFE:** I think the Dáil owes more or less a debt of gratitude to Deputy Johnson for bringing forward this matter for consideration, because, as everybody knows, this question of the regulation of the railways has been before the public for a very long time. As far back as I can remember, there has been talk of this, but the circumstances were different. About 30 or 40 years ago it was discussed, but it was then discussed from a different standpoint. It was discussed from what you might call the top downwards. The reasons were quite different for proposing nationalisation then as compared with to-day. At that time there was more or less dissatisfaction with the management—with the top parts of the railways. There was complaint that some of the Chairmen and others were too old and past their work; that they were not enterprising enough, and did not push things forward sufficiently. Some people had the idea that if there was nationalisation all these things could be set right, and that a new state of affairs could be brought about. It was more or less an aca-

demie sort of discussion; there was no reality in it. From that day to this is quite a long time. We are up against it in reality now. During the war we had experience of what nationalisation might be under Government control. The Government took over the railways in Ireland as solvent concerns working well. There were people then who grumbled about the railways, more or less, but there were no extraordinary complaints about inefficiency. What is the result? When the war was at an end the Government handed back the railways in an utterly insolvent condition, so that it would be impossible for the management of any of the railways to carry on, unless the high wages they were compelled to pay were lowered, and this does not seem hitherto to have been possible. Therefore, the railways were in an insolvent state. Deputy Johnson proposes as a remedy that these insolvent railways should be presented to the nation in order to guarantee the high wages which the railways under normal conditions cannot possibly pay—that the nation should, for the honour and glory of maintaining the railways, pay these exorbitant and uneconomic wages. I do not think that is a proposition that the nation as a whole would agree to.

There are three great classes concerned in this: the workers, the owners and those who use the railways. The workers at present are in a very good position. They are taking a large proportion of the receipts. So much so that if it were not for the money that was given by the English Government when the railways were handed back there would be no attempt to pay a dividend at all. That has been the result of nationalisation so far. Have the railways here done so badly for us that we should wish the State to take them over? It is due to the Boards of Directors to say that throughout their systems they have established in many places the only decent hotels in these places. If it were not for these hotels in large districts of the country probably there would be no tourist traffic at all. In a great many wild districts particularly there is nothing approaching a hotel where anything of the commonest order can be decently cooked. The railways have done that much for

us. Moreover, if you travel through the world—as for my sins, perhaps, I have done—and travel on State Railways in Central Europe, India and other places, you will come to the conclusion that our poor railways here at home are not so bad after all—that they are not badly laid and that the comfort of the travelling public is not disregarded to such an extent as people would have you think. Many years ago, when at school in a town in Germany, I used to amuse myself watching the trains passing on a certain line and seeing all the travellers with their heads out of the windows. It occurred to me to ask what the reason for that was and I was informed that on this line there was a fourth class in which there were no seats, so that you had to sit on boxes or anything that was available, and if you wanted to be extremely comfortable you had to keep your head out of the window. That is a state of affairs we would not stand here very long. I suppose when people go abroad they are so glad at the change that they are content with anything and think everything is perfect. A great many people think that everything is good but what they have themselves. So it may be with people who go abroad and come back and report that something was delightful when as a matter of fact it would not bear looking at. In India I travelled for five or six days on the State Railways and the degree of comfort which they afford is of the smallest. There their idea of managing certain things which we consider essential in this country is very primitive. As regards the income from State Railways I cannot say anything as I have not the latest returns.

I think we would be well advised to consider, not once or twice, but a great many times before we alter the system we know. As Deputy Hewat stated the other day, "The devil you know is better than the devil you don't know." There is a good deal of truth in that. This is a leap in the dark that you cannot see the end of. The question of State railways would need very careful examination. I do not think, in view of the circumstances that are likely to come upon us, the growing competition with railways owing to increased motor traffic, and the development of air

[Mr. Woulfe.]

traffic, which the railways have got to meet, that the public would have much to get by taking over the railways in the insolvent state they are. There is also the prospect of having the traffic diverted in other ways. I am aware that in these days small concerns cannot stand by themselves. There is need for amalgamation. We see that by the banks, how even private banks have joined together for self-protection and development. That move has been a great success. Something of that kind could be done with the railways. I am not propounding a Bill. I leave that to the higher authorities who understand it. I think this country would be downright mad to accept any of the responsibility that is likely, if the State took over the management of the railways, without exhausting every other avenue by which the prosperity of the railways and the country could be promoted.

**Mr. MORRISSEY:** The last Deputy stated that the Government would be downright mad if they took over the railways. I think it would be an act of courage and wisdom on the part of the Government to take over complete control of transport. After all, the Bill is really an act of faith in what we hear so much about, Irish democracy. I believe that if we take a wrong turning now in this matter of national transport, we will slow down the pace of the future development of the country. We have nationalisation already in essential services, such as law, education, the civil service, and so forth, which has worked very well. Now that we have real Irish State control, I have no doubt these services will work much better. I do not see why the Government should hesitate to apply the same principle to national transport. As I say, if it worked well in the other services, I believe the same principle should be applied to national transport, which is the roadway to commerce and industry. We know that capitalists have made that a very slow, a very costly, and a very difficult road. If we are to have merely a system of dual control, if we are to retain the capitalists, and still actively interfere with them, then we will find them putting all the blame for their own shortcomings on the State.

We, on these Benches, offer the Government and the country what we think is a solution of the problem and what is fair to every interest. I am sure it will not be contended that those who control the State are inferior in ability to the people who presently control the transport system. One might ask why, then, delegate to others what the State should do itself? I am quite sure if the Government would take over the Bill and put their trust in the State, the country will respond and will justify that trust. I appeal to the Dáil to accept this Bill, which is a constructive effort on the part of the Labour Party and the workers to try and help the nation.

**Major COOPER:** Deputy Morrissey describes this Bill as an act of faith in Irish democracy. I am not quite sure about the act of faith, but it is certainly an act of courage on the part of the Labour Party, and I am sure that the urgency of the problem with which it deals, is their justification for the bringing forward of such an unusual measure of responsibility by private members. I think that Deputy Morrissey has possibly erred in declaring that democracy was exactly the same thing as nationalisation, because the United States is a democracy—at least they very frequently tell you so—but there is no country in the world more hostile to nationalisation and more favourable to private enterprise than the United States.

**Mr. JOHNSON:** They pay for it.

**Major COOPER:** They may be converted in time, but presently they are not. Therefore, I think democracy cannot be said to be synonymous with nationalisation. I wish that we had the question of nationalisation and the desirability of nationalisation discussed at greater length. Deputy Johnson, I think, swept it away with a wave of the hand when he said that nationalisation of railways was not Bolshevist. It certainly is not, I agree. Prussia, before the war, nationalised the railways, and before the war she was not Bolshevist. Really, Deputy Johnson is letting his natural conservatism carry him too far when he suggests that because a thing is not Bolshevist therefore it must be good. This is a subject of which I



have not made a close study, and I apologise to the Dáil. Any remarks that I have to make on nationalisation are based mainly on my own experience. There is a function for State railways, but I think where State railways are needed are in Eastern countries where the work, in the main, is done by coloured labour. The Egyptian State railways are good and efficient, and I believe the Indian State railways are good. As far as Western Europe is concerned, all my experience has gone to show that the State railways are not as good and are not as efficient, or as comfortable, and do not treat the traveller as well as the private owned railways. In France there is one State owned railway, the Western Railway, which is not only more unpunctual than the others, but is more difficult to deal with, and the traveller is treated as a unit and not as a person whose custom is desired. On that railway there is a very much higher percentage of accidents than any other railway in France.

The Italian State railways have improved enormously since the advent to power of Signor Mussolini, o'clock. but I take it the Labour

Party does not intend permanently installing a Signor Mussolini on the Irish railways; and before Signor Mussolini took charge they were grossly over-staffed, with a railway official travelling in every compartment. There was extraordinary unpunctuality—it was nothing unusual to arrive at Rome four hours late on a twenty-four hours' journey—and they were exceedingly dirty. Things are better now. But even now you can travel more comfortably and more quickly in a second-class on other lines than you do in a first-class carriage on the Italian State railways. I cannot say that this is exhaustive, as I do not know the railways of Eastern Europe well. Deputies may very well be able to bring forward arguments that will confute me, but my personal experience goes to show me that nationalisation does not mean greater efficiency, and certainly does not mean greater contentment among the employés of the railways. Nor do we observe in the State-owned services of this country, to which Deputy Mor-

rissey referred, that officials, such as postal servants, are contented. Did they never strike? I have heard of a good deal of discontent amongst them. Are the teachers, who are employed by the State, in a condition of contentment with their lot? I think not. State ownership does not remove the ordinary grievances that are felt by people working for their living from day to day, but turns them against the State as an employer instead of against the private employer. Where the State itself is concerned in a matter of this kind you get a situation which at once becomes difficult and not infrequently dangerous.

I want to turn to one or two points in the Bill. I do not intend criticising the proposed method of working. Deputy Hewat did that, and I have no intimate knowledge of it. I only say that, judging by my general experience, these Committees and Panels that are to be set up will probably cause a good deal of criticism, or else they will become entirely defective. To go from that to one or two specific points in the Bill—it might be submitted that specific points should be left over to the Committee Stage—but I submit that there is some justification for anticipating the Committee Stage of this Bill. The first is the question of finance. Deputy Johnson said he had adopted the precedent of the Minister for Agriculture in dealing with land, and that that was generally accepted by all parties as fair and right. I assure Deputy Johnson that if I had been in the last Dáil the Minister for Agriculture would have heard a good deal on the subject of fifteen years' purchase.

**Mr. HOGAN** (Minister for Agriculture): So he did.

**Mr. GOREY**: Would you have suggested twelve?

**Major COOPER**: I would not; and I think the Minister for Agriculture would have met with very much more determined opposition within and outside the Dáil than he did had it not been for the position in which the Government were placed at the time. They were faced with enormous difficulties, and the landlords were very re-

[Major Cooper.]

luctant to increase and augment their difficulties by pressing for their inherent rights. They did not consider that fifteen years' purchase was right, and I do not think that Deputy Gorey considers that fifteen years' purchase of railway shares is right, whatever he might apply to the land. In this case I prefer to speak on the principle that two wrongs do not make a right, that if the landlord sold at fifteen years' purchase and put the proceeds into railway stock, sacrificing a considerable portion of his income, he should then be again paid under this Bill at fifteen years' purchase. That he should be placed in that position, does not seem to me fair or reasonable.

There are one or two points of finance in the Bill that puzzle me. Deputy Johnson said, with regard to the Terminable Annuities, that after seventy-two years the debt would be discharged. He did not quite say the debt to whom, to the owner of the shares or to the State. It would be discharged by paying 4½ per cent. for seventy-two years, and then there is nothing. Is that a form of investment that is likely to commend itself to an investor—a terminable investment? Is a man who wishes to make provision for his children likely to buy stock of that kind, that will steadily fall year after year?

**Mr. JOHNSON:** He has an option.

**Major COOPER:** He has an option, exactly; and as every sane man will exercise his option, why the proposal was put into the Bill beats me. I can only suppose that originally the Bill was drafted with this drastic proviso and some more reasonable spirit in the Labour Party suggested that some option was necessary.

**Mr. JOHNSON:** It is the other way about.

**Major COOPER:** Because nobody in his senses will accept these Terminable Annuities, redeemable stock for seventy-two years to be paid off at par. Is that a reasonable form of investment? If it is going to be paid off at par it would mean a Sinking Fund. I am a

child in matters of finance, but I do not think that if you have such a Sinking Fund you could possibly pay off any investment at par in less than four hundred years, or some time like that, if you were to combine interest and Sinking Fund.

**Mr. O'MAHONY:** It is fifteen years' purchase in the Bill.

**Major COOPER:** In other words, it will not be paid off at what is commonly called par.

**Mr. O'MAHONY:** Oh, no.

**Major COOPER:** But, even so, it is contemplating something very much more drastic, and unlike the reassuring statements made by Deputy Johnson when he moved the Second Reading. If a quarter per cent. for seventy-two years will be sufficient to pay off all these things, it means that some of them will be paid off very much lower than is indicated.

**Mr. JOHNSON:** Perhaps the Deputy would excuse me if I explained that the railway stock would be redeemable in seventy-two years.

**Major COOPER:** But will it be redeemed out of the Sinking Fund or by the monies to be provided by the State?

**Mr. JOHNSON:** Out of the Sinking Fund.

**Major COOPER:** My contention is that the Sinking Fund would be inadequate. I will leave the point. Perhaps when Deputy Johnson, or Deputy O'Connell, or Deputy Davin replies, he will enlighten me more. It obviously cannot be dealt with by interruptions. How can Deputy Johnson bind a tribunal that is not yet in existence?

**Mr. JOHNSON:** It is not intended to.

**Major COOPER:** They cannot bind a tribunal. The tribunal may take a very different point of view, and this point of view ought to be recognised by the Dáil before they give this Bill a Second Reading. As a matter of fact, Deputy Johnson, or whoever drafted the Bill, has taken pains to see that the tribunal cannot do more than a certain

amount of justice, because he has fixed the maximum price at which stock is to be redeemed, and he has not fixed the minimum price. He said the maximum price would probably turn out to be the minimum. Deputy Johnson very often reminds me of the late Mr. Gladstone. This reminds me of an assurance—I was not born at the time—that was given by Mr. Gladstone, on the introduction of the Land Bill of 1881. He then promised the Irish landlords that only in very exceptional cases would rents be reduced, and that in most cases they would be increased. I take Deputy Johnson's assurance, that the maximum in this case will probably also be the minimum, as having about as much value as that other assurance.

If he wanted a minimum, why did he not put in a minimum? It was open to him to put in a minimum as well as a maximum if he wanted to reassure the shareholders, but he did not do so. Deputy Johnson is thoroughly consistent. He will have no minimum penalty for poachers or railway shareholders, whom he probably regards as offenders on a somewhat larger scale, but while there is no minimum whatever to protect the shareholder the tribunal can under this Bill deprive him of his rights. There is plenty of protection in the Second Schedule for every existing railway servant, who shall not be transferred without his own consent, or placed in any worse position whatever. I now come to another Section, which, I think, has not been noticed, and has not been referred to by Deputy Johnson or anyone else; that is, Section 41.

"It shall be lawful for any person employed under the Minister to become a member of Dáil Éireann or Seanad Éireann"—well, they can become so now—"or to participate in any civil or political action in like manner as if such person were not employed under the Minister." That is, he has full civil rights, and can become an election agent, or sub-agent, or personation agent, and he can take an active part in politics. Up to the present the railways have very carefully kept their employees out of politics. They have been so careful that they have even refused to display political bills on the hoardings at the stations, but this gives every servant employed on the Irish

railways the right to full political action. When you take your ticket at the booking office you may have a political leaflet shoved out to you with it, and every railway station would probably become a committee room in the service of one party. What is more, by a later Section, Deputy Johnson proposes to extend this power and this immunity to all postal servants as well. You will find yourself being canvassed by the postman when he delivers your letters in the morning. I venture to think that it is not desirable we should have a vast army of servants employed by the State, and at the same time endowed with absolutely full political and civil rights, which civil servants are not allowed. At present postal servants are not allowed it. I think the political right that is sought to be conferred by the Bill is, on the whole, a dangerous one, and should not be given. I turn to my last point, and that is the position under this Bill of those railways which are not in the Saorstát at all. I was astonished when I read the Schedule and saw there the Belfast and County Down Railway, the Northern Counties Committee of the Midland Railway, the Giant's Causeway and Bush Valley Tramway, and one or two others which are not under our control. No one dislikes partition more than I do, and no one is more anxious to see partition put to an end than I am, but you do not put an end to partition by pretending it does not exist, and most certainly you do not make it easier to bring about union by assuming powers to legislate for those over whom you have no control. How can you compel a man in Belfast to give up his shares in the Belfast and County Down Railway? We have no power to do that, and that power shall be conferred on the Executive Council who can fix any appointed day they think fit for railways which are not entirely in the Saorstát. If you wish to exercise that power you will have to go to war, and I hardly think that can be seriously contemplated even by the Labour Party. If there was nothing else in the Bill that I objected to but the inclusion of those railways over which we have no control, and making it possible for them to be taken over on the appointed day fixed by the Executive Council,

[Major Cooper.]  
that alone, I think, would be sufficient to condemn the Bill. Also you leave out the railways that are partly in the Saorstát and partly out of it, such as the Great Northern Railway. It shows the unreality of the Bill, and it proves that it is only window-dressing. You might as well have said that for this second class of railways the appointed day should be Tibb's Eve.

**Mr. P. S. DOYLE:** Deputy Johnson prefaced his remarks in moving the Second Reading by stating that the Bill was not presented in the expectation of its passing, making any revolutionary change or adding to any great extent to the well-being of the masses of the people. To my mind there is a very grave necessity for some decided change in the present system of administration or management of the railways with a view to developing the country in the interests of the masses.

**Mr. DARRELL FIGGIS:** I regret having to raise this point—it occurred once or twice before—is it in order for a Deputy to read his speech?

**AN LEAS-CHEANN COMHAIRLE:** I think it is not in order, but he can refer to notes.

**Mr. NAGLE:** I desire to support the Second Reading. In the first instance, I think it will be generally admitted, in spite of some remarks passed by Deputy Hewat and Deputy Cooper, that the railways of Ireland are not satisfactory. As a matter of fact most of the Commissions that have considered the question of railways during recent years have stated definitely that they are unsatisfactory and that they have not been worked efficiently. All these Commissions reported that in their opinion some system of unification was needed, and the only thing on which the members of the Commission differed was as to whether it should be unification under private ownership and control, or unification under State ownership. Personally, I think that unification under private ownership would be giving too great a monopoly to private interests, which they could use for their benefit at the expense of the people generally. Deputy Hewat,

after having mentioned some of the interests that would be catered for by the Bill, wanted to know would it cater for the travelling public, and he suggested that it would not. I ask Deputy Hewat, and people who think like him, does the present system of railway ownership in Ireland cater for the travelling public? I know in a good many cases it does not. Anyone who has travelled from South Wexford to Waterford on the Dublin South Eastern Railway knows that when you get into Waterford from, say Ballycullane, on the Great Southern you will find that the train going North by way of New Ross has left about 10 minutes before your arrival at Waterford, and the result is if you are in a hurry it is necessary to get a motor car, and if you are not in a hurry you can wait 7 or 8 hours for the next train. I do not know whether it is the fault of the Great Southern and Western Railway or of the Dublin and South Eastern, but I certainly think that if these railway companies were studying the comfort of the travelling public they would at least arrange their time table so that one train would arrive 15 minutes earlier or the other leave 15 minutes later, so as to allow five minutes for the passengers to change. That is an instance which anyone who has been in that part of the country will call to mind. It happened to myself on a number of occasions, and according to the time tables, which I have consulted, the discrepancy still exists. The farming section, I think, should also give a good deal of attention to the Bill. Recently when we were discussing the cost of living, and the necessity for a better method of marketing goods, the Minister for Agriculture complimented the Secretary of the Cork Farmers' Association on having got his members to market foodstuffs, and the like, cattle, sheep and pigs from Co. Cork, during the time of the dock strike, directly to England instead of waiting on the shipping merchants. On that occasion Bantry was used for the purpose of shipping the various kinds of agricultural goods to England. I would like to mention that from the Macroom area during the time railways were controlled by the British

Government it was quite possible to put goods on the railway at Macroom and send them direct to Bantry.

Simply because the Cork and Macroom Railway is under different management from the Cork, Bandon and South Coast Railway, when control was removed in 1921, the points connecting the two lines were lifted at the orders of the management of the Macroom line. The result was that during the recent dockers' strike, farmers who tried to get their goods away were compelled to send them by road to Bantry, instead of direct by train from Macroom. I also remember about six weeks ago a deputation came from Macroom to wait on the Minister for Industry and Commerce and to ask him to use his power to compel the Cork and Macroom Company to connect their line with that of the Cork, Bandon and South Coast Company. They pointed out that to bring coal to Macroom, by way of Cork, it was necessary to cart it from the quay-side, a distance of about half a mile, to Capwell station. Although there was a connection from the quay-side with the Cork and Macroom Railway the management would not allow it to be used. In some discussions which we had on the matter, the manager of the Cork and Macroom Railway asked, in the event of this connection being made again as it was during the war, what would become of Capwell station? We find this peculiar state of affairs under the present system—that instead of the Cork and Macroom Railway, about twenty-three miles in length, existing for the benefit of the people, it exists solely for the benefit of Capwell station. That is a thing that would not exist if there was unified control or State control of the railways. They would be used in the interests of the people. In Berlin I believe there is a railway museum housed in a station that became derelict after the nationalisation of the railways in Germany. There they did not hesitate to scrap a station or any other part of a system that was of use no longer.

Deputy Hewat pointed out that the railways were mostly a failure when promoted or subsidised by the Government. I would like to point out that subsidising a railway and leaving it

under the control of private interests is different from State ownership and State control. During the war, and for a number of years prior to it, I believe the railways of Ireland were subsidised to the extent of over ten millions, which was paid by the taxpayers of this country into the pockets of the private owners of the railways without the people of the country having one pennyworth of control in the running of those railways. We merely want to get away from that. All the Commissions which dealt with the railway problem realised that the railways are inefficient when run and controlled privately, and that they will never prove paying concerns for the present owners. We claim, if there is to be any subsidy, we should go the whole hog, and if we have to pay the difference between the amount necessary to run the railways and the amount the railways can make, we should get full control, and if there are any profits, we should get the profits that are made. I should like to point out, for Deputy Hewat's benefit, that in Prussia the State railways earned sufficient money to pay the interest on capital and yielded a surplus which increased from one million in 1882 to twenty-three millions in 1907. In 1907-8 the amount yielded by the railways in profit to the State was three times as much as the amount of money got from income tax, and more than double that got from the income and property taxes combined. The total surplus from 1882 to 1907 was two hundred and sixty millions. I would like to read from a book called "The Nationalisation of Railways." It is a bit out of date, but the arguments apply at any time. Here is a quotation contained in it from the "Sunday Times." I see that Deputy Gorey laughs, but I do not mind that. I am rather pleased that he is in such good health as to enjoy a laugh. I would like to point out that writers in a paper like the "Sunday Times" cannot be accused of being favourable to State ownership or nationalisation. On the contrary, the people who control the "Sunday Times" and papers of that class always shout the loudest for hands off on the part of the State from interference with private interests. In

[Mr. Nagle.] spite of that, the writers in the "Sunday Times" can recognise facts when they see them, and state them in a way that can be understood by common people. I mention that to show that there is some justification for treating you to this quotation. There was a discussion in the different papers at this time on the question of the nationalisation of railways, and this is what the "Sunday Times" said:—

Under these circumstances, it is of interest to see how Prussia, the cradle of nationalisation, has fared by its policy. If we summarise the budget of that kingdom we find that its administration costs six hundred and eighty-seven million marks, of which three hundred and fifty-nine millions are covered by taxes. There is thus a shortage of three hundred and twenty-eight millions balanced by the surplus from the working of State properties. Forests and demesnes supply 68 millions, mines 18 millions, lotteries 9 millions, the State bank four and a half millions, and the mint half a million, while no less than two hundred and twenty-eight millions come from the railways—the latter after providing two hundred and ninety-three millions for interest on debt created for purchasing the property. In other words, one-third of the State's expenditure is provided by the surplus profits of the railways, whose total receipts amounted to 2,052½ million marks. The financial position of Prussia has, of late, been subjected to criticism, but, as a matter of fact, it remains sound, thanks mainly to the revenue derived from Bismarck's acquisitions. Indeed, if we capitalise the goodwill of Prussia's industrial surplus of 328 millions on a 4 per cent. basis, we arrive at a capital of 8,250 million marks. Deducting therefrom the net Government debt, not represented by assets, 500 millions, there remains an asset of 7,750 millions, or £387,500,000 as national wealth. Not an unfavourable balance, and mainly due to the timely nationalisation of the railways. No doubt, the railway problem presents itself in different forms in the vari-

ous countries. But a study of the results of State railway administration in its classic home is not without teaching some useful lessons."

Deputy Hewat asked as to why we should specify railways, and he wanted to know what was the difference between railways and other concerns. In my opinion, all other private businesses in the country depend to a large extent on railways and the other transport facilities. He also pointed out that, through the operation of political forces, a preferential and peculiar position for rail servants was established, a position which, he said, would never have applied in this country under ordinary conditions. He suggested by that, that the railway workers in this country used their political power, such as it was, to obtain conditions that were not warranted, and that would never have been obtained in the ordinary way if the railways had remained under private control. He implied by that that the wages of railway men were something extraordinary; his exact words are: "preferential and peculiar." I would like to point out that if they got increases in their wages during the days when the railways were controlled by the British Government, the wages they got then certainly did not bring them to a great state of prosperity, and that the wages they had in pre-war days, prior to Government control, were not such that either Deputy Hewat, or any railway shareholder or business man, or employer of labour, might cry about them. Mr. Keogh, representing the railway companies at the late Railway Commission which sat here, said that the average wages of all grades—many of them including skilled men—in 1913 was 20s. 8d., while the average paid to Scottish workers was 27s. 4d. On that showing, the average wage here was 6s. 8d. less than in Scotland and in England in pre-war days. If that is the case, I certainly think the railway workers here were entitled to some increased remuneration, in view of the fact that they had been so badly paid, comparatively, in pre-war days, and also in view of the fact that the cost of living had been considerably increased. I would like to point out to Deputy Hewat—he ad-

mitted it towards the end of his remarks—that this is not altogether a Rail Bill, but that it is a Transport and Communications Bill, and that it proposes to control the waterways as well as the road transport of the country.

As things are at present, there is no connection between road transport and rail transport, but if the whole transport work of the country were put under one Ministry, with power of improvement in the general interest, it is very likely that arrangements would be made between the different railway companies and the boats to Cork which Deputy Hewat mentioned, as well as with those who control the roads at the present time. He also pointed out that the law of increasing wages will not apply in this country in the future.

Deputy Bryan Cooper mentioned an incident in his experience to show that privately-owned railways were worked more efficiently and gave a better service to the travelling public than publicly-owned railways. He said that he saw some passengers in a German railway train looking out through the windows while passing through a station—

**Major BRYAN COOPER:** On a point of explanation, it was Deputy Woulfe said that.

**Mr. NAGLE:** I am sorry. Deputy Woulfe explained that, on inquiry, he found that the reason the passengers were looking through the window was that there were no seats. He instanced that to prove that State-owned railways gave worse facilities than privately-owned railways, either in Great Britain or Ireland. I would like to go a little bit further and to point out that these passengers were in fourth class carriages, and that there never have been any fourth class carriages in these countries on railways under private management. I would also like to point out that the fare that was paid for travelling fourth class on German railways was a fare that has never been touched in these countries. As a matter of fact, you could travel a little more than five miles for twopenny in pre-war days, when the charge here was a penny a mile. I think that altogether negatives the claim of the Deputy regarding the people who had to stand

up. In this country you would not be allowed to stand, even in a cattle truck, for any distance, for the fare charged there. I am not cognisant of the conditions that exist at the present time, but I believe that the rates on the Continental State-owned railways are much lower than the rates charged on the privately-owned railways in these countries, either for passenger or goods traffic. In some cases you can go as far on the Belgian railways as three thousand miles for the same amount that you would pay for a journey of fifty-one miles, between two points, in England or Ireland. In some cases the Austrian State Railways gave a journey of six miles for 2d., pre-war, twelve miles for 4d., and four hundred miles for 16/3. These prices have never been approached in these countries. If the matter were seriously considered, it would be found that there was a better case made for nationalisation of the railways than ever has been made for the continuance of the present system. Before I finish, I would like to mention the views of a couple of people who are very interested in this problem, and in other problems—

**AN LEAS-CHEANN COMHAIRLE:**

It is not in order to read the views of anybody in that way. You can mention them.

**Mr. NAGLE:** It is only a quotation. The first is Sir Eric Geddes, who, in moving the second reading of the—

**AN LEAS-CHEANN COMHAIRLE:**

You cannot read another person's speech here.

**Mr. NAGLE:** I am only giving you a quotation from it. It is less than a paragraph in length. I am not reading another man's speech.

**AN LEAS-CHEANN COMHAIRLE:**

We do not know how far it may go.

**Mr. NAGLE:** In any case, he said that there was a great necessity for a go-ahead and vitalising system of transportation, and that the House—that was the British House of Commons—as a whole was committed to that system. I would like to point out that, if Sir Eric Geddes considered, and the British House of Commons was convinced, there was a great necessity for

[Mr. Nagle.]

a change in the system of railway control in England, the necessity exists to a greater extent in this country, because the railways in this country, it will be admitted by every Farmer Deputy in this Dáil and every farmer in the country who talks about the rates for transportation, are even worse than the railways of England. If it is necessary to make a change on the railways of England, in the interests of economy, the interests of better administration, and in the interests of the people of the country as a whole, it seems more necessary to do so in this country. Therefore, I desire to support the Second Reading of this Transport and Communications Bill.

**Mr. THOMAS O'MAHONY:** Deputy Johnson, in the remarks he made on the Second Reading of this Bill, stated that it was not going to make any revolutionary changes, and he did not presume that it was going to result in any substantial saving to the community. Thereby he gave away his whole case. If no material change for the benefit of the community could be anticipated, why does he embark upon a dangerous experiment of this kind? State and corporate control of undertakings do not encourage us to embark upon a sea in which there have been so many wrecks. If—and it has not been suggested so far; it was not suggested by Deputy Johnson—the position of Irish railways, taking all the associated circumstances into account, was in any degree much worse than the conditions where railways are under control of private ownership in other countries, why should we here embark upon a policy of what I look upon as a capital levy in a disguised form?

**Mr. DAVIN:** The writing is on the wall.

**Mr. O'MAHONY:** The writing may be on the wall but is it going to materialise? I am not at all in agreement with the optimistic view expressed by Deputy Johnson, when he stated "when this Bill is passed" for, though I am ignorant of the Government proposals with respect to railway control in this country, I think I can confidently commit myself to this, that

with the Government the policy of commonsense is going to prevail and we are not going to pass this Bill. The doctrine has been laid down by Deputy Johnson that pre-war conditions are impossible conditions for the workers. Is the stockholder in a Railway Company in a different position with regard to increased expenditure to the worker? Has the stockholder of the Railway Company ever received out of the company in which he invested his money anything more than a reasonable return, and, in very, very many cases, much less than the return he might reasonably expect, taking into account the capital invested and the risks that he undertook?

The plea has been made that the finance of this Bill is fashioned on the finance of the Land Bill. But the two parties whom you propose to buy out will never be put upon the same plane as regards the moral right they have—the one to the land and the other as a stockholder in a railway company. It has never been admitted here that the landlords of Ireland had a moral right to the land. Their ownership was the result of confiscation. The stockholder in the railway company created the property; the landlord of Ireland did not. In dealing with these two people we were dealing on the one side with one who acquired his property as a result of a policy that sought to make the Celt as rare on the banks of the Shannon as the Red Indian on the shores of the Manhattan, and on the other side with the Irish investor who had the courage, when the Government would not do it, to put his money into railway development and make modern transit possible in Ireland. Under those conditions you cannot deal with these two people, it is not an equitable proposition to deal with these two people on the same basis of settlement. What would be the net result to the stockholder in the railway companies if effect were given to the proposals of Deputy Johnson? Take the case of the company in which the average earnings for the five years ending 1913 would be 4 per cent. The Deputy proposes that the maximum capital of stock payment in that case would be 15 years' purchase, or £60. He does not guarantee the figure at 15 years' purchase. There



is not the same fixity as in the case of the Bill promoted by the Minister for Agriculture, but it is clearly stated that the maximum cannot be more than fifteen years' purchase. Now, £60 would be three-fifths of the par value of that stock, and three-fifths of the four per cent. stock will give the stockholder an income over a limited number of years, as was pointed out by Deputy Cooper, of something like £2 14s. or £2 15s. per cent. per annum, so that the stockholder not alone is not to have the income that he had before the war, but he has to face the world and all the increased cost of living, entailed as a result of the war, with a considerably reduced income.

The Deputy does not recognise such a suggestion as being in any way possible when he deals with labour. What is the stock held by the stockholders in this country? It is the fund provided as the result of labour and activities in some form or another, and provided in many cases by people who, through penuriousness and through denying themselves the ordinary little luxuries and enjoyments that they may have in this life, were enabled to make some provision for the future, and I look upon the proposal to conscript, and to conscript substantially, the miserable income that they enjoyed previous to the war, as an absolutely immoral thing. No case has been made or presented so far for an alteration such as is suggested in the Deputy's Bill. It may come in time.

**Mr. JOHNSON:** Hear, hear.

**Mr. O'MAHONY:** At any rate, we have not yet reached that time. When it does come, and when conditions would warrant such a substantial change as the Bill suggests, then the good sense of the Dáil would, in the altered conditions, make the change. Why is it desirable to make this change? Why is this change in any degree necessary? It is a change which, if at all necessary or at all desirable, is a change following upon State management, or rather State mismanagement, of railways during the period of the war. Associated with the railways of Ireland was expenditure in labour and expenditure in other

details that the circumstances of the time, to a certain extent, possibly may be an excuse for, but that the conditions of the Irish railways and Irish traffic by no means warranted.

The Deputy further on in his speech absolutely gives away any pretence of making a case in favour of his proposal when he says: "I am very doubtful whether an efficient railway system can, in this country, be provided without some form of public assistance," so that even under the new conditions that he proposes, the conditions that are supposed to end all difficulty with respect to an effective, an efficient and an economic railway service in Ireland, he admits that this Bill is not going to provide for all that efficiency and particularly for that economy. He still anticipated that a State subsidy will be necessary to enable the railways to continue to function.

Deputy Nagle quoted some Scotch case. I will quote particulars from a Scottish railway as compared with Irish railways, and they will show that where there is not a material difference in the capital, the Irish railways, for a much smaller revenue and a much smaller transit of merchandise, have to travel considerably longer distances with, I need hardly say, less satisfactory results for the shareholders. If, as the Deputy surmised, and as we all hope and believe, things in the near future are going materially to improve in this country, do we not think that the people who built the railways and who put their monies into railway concerns, and who had the courage to do that which the Government of the time had failed to do, should receive some consideration? If that improvement is going to result, do we not think that before it takes place it would be absolutely unfair that their ownership in the railways should be conscripted, and that if we are going to purchase, that they should at least get the benefit they are legitimately entitled to from the improvement that would result in the State in which we are all common citizens?

I will take the case of all Irish railways. The capital expenditure on all Irish railways up to the end of 1913 was £43,364,255. The Caledonian Rail-

[Mr. O'Mahony.] way in Scotland had a capital expenditure of a little over £56,000,000. For their smaller capital the Irish railway system ran 3,410 miles, and the Scottish railways ran only one-third of that, or 1,111 miles. The revenue receipts in Ireland were £4,782,000, and in Scotland the revenue receipts were £5,467,000. The receipts per mile in Ireland amounted to £1,402, and in Scotland £4,920. The revenue expenditure in Ireland was a little over £3,000,000, and on the Caledonian railway about £3,250 000.

The tonnage carried, merchandise, coal and minerals, in Ireland was six and two-thirds millions, and twenty-eight and a-quarter millions in Scotland. Passengers in Ireland were thirty-one millions, as against forty-seven millions in Scotland. Now that goes to show that when we are dealing with the railway system in Ireland we must remember the circumscribed opportunities that it has as compared with other countries. We must also remember that hitherto the shareholders in Ireland have had a very inadequate all round return on the capital invested in the companies. Some Deputies will remember that some seven weeks ago the Great Southern and Western Railway published a schedule showing the rates of wages paid to their employees, as compared with the cross-Channel rates of wages, and while, in the instances I have quoted, the earning power of the cross-Channel railways was considerably more than the earning power per mile of the Irish railways, the wages paid to the Irish employees were considerably more than the wages paid across the water.

**Mr. JOHNSON:** On what date?

**Mr. O'MAHONY:** About six or seven weeks ago. That, I think, is near enough.

**Mr. DAVIN:** Can the Deputy give the figures?

**Mr. O'MAHONY:** I will give one of the figures, and the Deputy may not be so pleased when he gets the information. In this particular case the Great Southern Railway pointed out that the cost of producing a carriage at their

Inchicore works under the favourable conditions existing at the time when they made the statements, that is, after a reduction of six shillings a week had taken place in the wages of their employees, the cost of producing the carriage even under the new conditions would be £300 more than it would cost them to import it from across the water. And they stated that prior to the reduction which had taken place—this statement did not appear in the papers, but I got it myself—the difference in the cost of the production of the carriage for the same specification, landed at North Wall, and produced at Inchicore works was £527. Is it to bolster up a condition like that that this Bill is introduced? If that is the policy we are adopting, whether Deputy Johnson denies it or no, the principle of Nationalisation is associated with it.

**Mr. JOHNSON:** When did I deny it?

**Mr. O'MAHONY:** I think the Deputy in his speech said it was not Nationalisation or Bolshevism.

**Mr. O'CONNELL:** Are they interchangeable terms?

**Mr. O'MAHONY:** Here are the exact words: "It is not put forward here in deference to any preconception in regard to nationalisation or State ownership."

**Mr. JOHNSON:** Is that all?

**Mr. O'MAHONY:** There is the remark later on: "It is neither revolutionary, radical Bolshevism, nor anything of an abnormal nature." Therefore Deputy Johnson recognises Nationalisation is of an abnormal nature.

**Mr. JOHNSON:** You are a logician.

**Mr. O'MAHONY:** At any rate the principle does apply to this, and I think the Deputy in the last twelve months made a statement in this Dáil that shareholders in railway companies, having had the shares in their possession for a certain number of years and having got a return equivalent to their capital under private ownership have no moral ownership any longer as their

money was returned to them. That is a most dangerous doctrine to enunciate because it could be applied to the farmers in a few years time. If a man having purchased his land in a couple of years received in produce from that a return equal to his capital it might be argued that then his ownership was at an end. It would apply to the ordinary trader. Any business having had a certain amount of capital put into it, and having had a return equivalent to that capital it might be argued that the owner was no longer entitled to the ownership of the business. If that is the doctrine the Deputy stands behind, and if that doctrine was pressed successfully Ireland would be a very unhealthy place for the ordinary citizen to live in.

Everyone admits that the pre-war wages of the railway workers were too low, but we have to consider if the present wages are warranted by the earning powers of the railways in Ireland, because it is not a good enough policy to suggest that if the State takes over the railways the taxpayers can again be approached to make good any deficit on their earnings; that is not a good enough national policy. We have to consider whether the existing conditions in Ireland warrant the payment of the present rates of wages. If they do we must continue to pay them, and if they do not, wages must be fitted in as one unit in the economic machine, because if the factors are against us it is only by increasing the rates that the wages can be continued at their present level.

I agree with the Labour members that the existing railway charges are, in a sense, prohibitive. Railway fares and railway rates are too high to make progress in the country. If we are going to have substantial industrial or agricultural progress, railway rates must come down. It is a question that ought to be considered in conference. The conference should be representative of the Government, of the railway employees and of Labour generally, and of the industrial and farming elements of the community, and an effort should be made to see to what extent conditions might be altered so as to enable more favourable terms to prevail in the country as regards the trans-

sit of goods. There is no doubt but that the present rates are a stranglehold upon development, but at the same time we realise that the railway returns go to show that any material interferences with these charges will result, if not in actual loss, at least in a miserable return to those whose capital is invested in the different companies. Deputy Johnson quoted the capital figures involved in the case of seven railways. In the case of the seven principal railways in the country there is a sum of something like £40,400,000 invested. In the five years included by the Deputy in his Bill, the net distributive earnings of these Companies was £1,558,570.

**Mr. JOHNSON:** Is that the average?

**Mr. O'MAHONY:** Yes.

**Mr. JOHNSON:** Is that figure official?

**Mr. O'MAHONY:** Yes. I am dealing with the seven principal railway companies in the country. The amount of money invested in these represents 85 per cent. of the railway capital in Ireland. The loss in revenue, if effect were given to this Bill, would be £506,535. In addition, since the year 1913, a sum of £466,000 of additional capital has been put into the Irish railway companies. The Deputy makes no provision as regards the discharge of liability on this, except that I assume he intends that it should water down the return on the others. He is only going to pay apparently from his Bill on the figures as we find them at the end of 1913, and, therefore, the additional capital of nearly £500,000 will be a further watering down of the return to the shareholders.

**Mr. JOHNSON:** Can the Deputy say in what year the additional capital was sunk?

**Mr. O'MAHONY:** I cannot give the year, but it was since the year 1913.

**Mr. JOHNSON:** Was it prior to the year 1917?

**Mr. O'MAHONY:** I cannot say that, but it was certainly since the year 1913. At any rate, it is outside the ambit of your Bill, or the period which you pro-

[Mr. O'Mahony.]

vide for. I think a strong case was made for unification by Deputy Nagle. He addressed himself particularly to the policy of unification, and, to my mind, at any rate, I do not know whether it commends itself to other Deputies or to the Government, but I believe that unification is the immediate solution of the question. Let us, I say, proceed by easy stages. If unification is a success—

**Mr. HEWAT:** On a point of order, I desire to ask if this question of unification is before us?

**Mr. O'MAHONY:** It was discussed at some length already by previous speakers.

**Mr. JOHNSON:** I submit it is in order, because it is one of the principles involved in this Bill; that is to say, unification with national ownership.

**Mr. HEWAT:** I desire to ask if it is open to me to discuss unification on this Bill?

**AN LEAS-CHEANN COMHAIRLE:** The Deputy cannot discuss the question now as he has spoken already.

**Mr. O'MAHONY:** Deputy Hewat suggested that State control or nationalisation is the big point of unification. Unification, as we look upon it in this country, will represent two controlling bodies, the two big companies, and bring them into one. At any rate I am going to be very short on that point with which Deputy Nagle dealt with at some length. I think it would be a safe step to adopt in railway policy, and that it would mean more effective and more efficient control. You could, I believe, embody with the principle of unification representation of different interests on the new controlling bodies, if the Government so desires, and I think it would be desirable. You have an instance of that in the control of the Port of London, a very big project in which various interests, labour and other, are incorporated in the controlling body, with most effective results as regards the working of that body and as regards a satisfactory revenue and a satisfactory

profit. We all have community of interest, whether we be employers or employees. We have a common country, and in the success of that common country we ought to take a common interest and take occasion to sink all prejudices and all the differences that are sometimes unwisely associated with us as individuals. I am sure that if the voice of labour gives expression through men of moderate views and of individual capacity, such as the Deputy at the head of the Labour Party and of others associated with him, that not alone should we agree to sink our differences, but that in the sinking of them we would undoubtedly put the country, as regard labour disputes and the settlement of undertakings of this kind, on the high road to progress.

There is just one matter in connection with unity of control which I did not refer to. In Ireland, at the end of 1921, we had 170 railway directors. On the Caledonian Railway in Scotland, with its larger capital and its bigger operations, they had 11. Let us all join forces to get rid of a condition of things such as that, and I believe we can then, without resorting to this Bill—which I think is premature—evolve a new and more effective system of railway control, administration and operation, which will result in much greater benefits from every point of view to the country.

**Mr. DAVIN:** I beg to move the adjournment of the Debate, as there is a matter coming up on the adjournment.

Debate adjourned until 7 o'clock on Wednesday evening.

## ADJOURNMENT OF THE DAIL.

### CUSTOMS ARRANGEMENTS AT DUN LAOGHAIRE.

**The PRESIDENT:** I move the adjournment until 3 o'clock to-morrow.

**Major COOPER:** I gave notice that I would call attention to the conditions of the Customs examinations at Saorstát ports, because I was not entirely satisfied with the reply I got from the Minister for Finance as to the arrangements that are to be adopted at Dun

Laoghaire. The problem is not an easy one, because the pier at Dun Laoghaire was not intended for the purpose of Customs examination, and there is, consequently, a very considerable shortage of space. The proposals of the Minister, or rather of his subordinates, and the railway companies concerned, will not, I think, remedy that shortage of space in anyway whatever. The congestion that exists at present is due to the fact that the arrival platform has been cut in two by a fence, and that in half of the space of the ordinary platform, there is established a counter at which the lighter goods are examined. Then there is barely room for the truck-loads of heavy luggage that are brought off the boats and wheeled up to await examination, once the hand luggage has been disposed of. At a time, for instance, like Christmas and when the schools break up, the congestion is immense. There is hardly room to move. I do not know if the Minister has been down there at such a time. With the crowd of people and porters who have luggage to be examined and the people who have had luggage examined trying to get to the platform, there is a great congestion, and old people and children find it very difficult to get through. The congestion is such that it is necessary to shut everybody off the pier who wishes to meet people. If a child is travelling over alone and relatives wish to meet the child, they have either to go to Westland Row or meet the child at the exit from the pier. That is not due to any fault of the Minister or to any fault of any Department, but to the fact that the pier is very small. The one redeeming feature is the great efficiency of those whose duty it is to search luggage. They do their work thoroughly, quickly and courteously, and if they were not extremely competent, the situation would be very much worse.

The Minister got together, last week, representatives of the Revenue Commissioners, the Board of Works, who are responsible for the pier, and the two railway companies concerned. He got them round a table to consider what should be done. That was a very sound first step, but if I might suggest it, the Minister should have done one other

thing. He should have locked the door and said that they could not come out until they had propounded a scheme for dealing with the whole question, and not merely the palliative which is suggested, which is to put up some form of shelter which will keep the rain and wind off the people whose luggage is being examined and those whose duty it is to examine it. That would be a good thing, but I am afraid it will have the effect of making the congestion even worse. The Minister, in his reply last week, told me that some inconvenience was inseparable from Customs examination. That is undoubtedly the case, but if he consults the more travelled members of the Ministry, who went to Bobbio and other places, he will find that neither at Dover, Calais, Boulogne, or other places, is the congestion so great or the conditions so uncomfortable as at Dun Laoghaire. That is partly, no doubt, because the thing is improvised. It gives, however, a bad impression to those coming to Ireland for the first time.

Many suggestions might be made. One is that all the heavy luggage labelled for Westland Row should go through and be examined there. Another suggestion is that the hand-baggage should be examined on the boat, as is done on some of the steamers from Dover and Folkestone to Calais and Boulogne. That might be possible. No doubt if you add the risk of seasickness to their other duties you would probably have to pay a slightly higher salary to officers. Taking the situation as it stands and assuming that you are going to examine the luggage at Dun Laoghaire, there are two suggestions. One is that the space at the seaward end of the pier should be used and that all the baggage should go down there. There is a space there occupied by a turn-table which the railway company do not use. A shed could be built there and permanent counters installed. The luggage could pass through there and be examined, and the people could then come from that to the train. The other alternative is that the whole of what I may call the arrival platform—the platform against which the steamer berths—should be used for Customs examination instead of only half. This

[Major Cooper.]

fence, which cuts the place in half, should be done away with and the train should be loaded on the other side. I have been told that the railway companies object to this because the boats arrive and leave about the same time. That is the sort of argument that has been accepted by Government Departments. In point of fact there are three hours between the arrival of the boat and the departure of the boat, and I imagine, even in time of pressure, that there will be ample margin. This is a question which can be solved if there is a real intention to solve it. It is one of the occasions on which the Minister would wish he had a Parliamentary Secretary to deal with this problem. If he could depute somebody, or if he had time to take the matter in hands himself, and got the representatives of the railway companies and the public departments concerned round a table I believe it could be solved in less than three hours, and a real solution found, not merely a palliative like putting up shelters. In any case I hope the Minister realises that the Christmas traffic is upon us and is likely to be heavy, and that the conditions are bound to be uncomfortable. The conditions should be minimised by putting on as many searchers as possible, so that the people would get through quickly instead of being held up, as sometimes happens, for one and a half hours. It was tolerable in the summer time with daylight. Now it is dark and stormy. I hope the Minister will see his way to make some concession in that respect.

**Mr. DAVIN:** I desire to associate myself, not with all Deputy Cooper has said, but certainly with the causes of complaint he has mentioned. Those who have any practical knowledge of the working of passenger and mail traffic at this pier know that the accommodation on the west side is entirely unsuitable. At the west side of the pier, to which Deputy Cooper referred, the covered shed is only about 400 feet long, and the width, before the Customs regulations came into operation, 34 feet. That has been reduced to 20 feet, and after the conference held the other day—I do not know if it is responsible for

what has been done—it has been further reduced by 3 feet 6 inches. It is within the knowledge of travellers and others who use the pier that under the old arrangement, when passengers in excess of 400 had to be dealt with, accommodation on the west side of the pier was absolutely unsuitable and resulted in confusion, inconvenience and delay. I suggest to the Minister that the whole question is an engineering one. If there is any means by which the platform space on the west side of the pier can be extended or improved, there, I think, lies the real solution of the difficulty. Deputy Cooper suggests that hand luggage should be searched on the passage between Holyhead and Dun Laoghaire. That suggestion was put forward before, and if the Minister is prepared to meet the necessary expenses involved, it is for him to say so.

In my opinion, it would not meet the difficulty that exists. I suggest that the engineer to the Board of Works and engineers of the companies interested in the development of traffic and the proper working of the pier, should be brought together and asked to try and devise a permanent solution of what is a very real difficulty. There is another aspect of this case, and it is a very serious one. This harbour was looked upon as the natural entrance to the Irish Free State for tourist traffic from England and elsewhere. The reception afforded passengers, especially when there is a big crowd at the pier, is one that they would not like to undergo a second time. People with hotels and boarding houses in Bray and Dun Laoghaire have suffered for the past five years for lack of tourist traffic. Any improvement in the arrangements for dealing with passengers would be welcome. It would also help to remove the confusion that undoubtedly has occurred for the past two years, and particularly since the Customs regulations were enforced on the 1st April. Apart from the Customs regulations, there are many things to be taken into consideration when dealing with this matter.

**Mr. JOHNSON:** I want to press this point, not only in regard to the inconvenience to passengers at Dun Laoghaire, which is very great and liable to deflect passenger traffic to other places,

perhaps to other countries, but also to the delays in the examination of parcels and the delay in examination of dutiable traffic of all kinds at the various ports. From the information in my hands, that is especially so at Greenore. That is due to the insufficiency of the staff of the Customs. Deputy Mahony or Deputy Good might be surprised if I were to say a word on behalf of the railway company, but in respect of Greenore, of which I have some information, it seems that the railway company, as a matter of fact, have gone to considerable expense in providing assistance, in the way of railway servants, to deal with this parcels traffic, to the extent, up to a month ago, of paying £150 a week in wages for this service. An insufficiency of Customs officers practically compelled the railway company to look for a reduction of that staff, leaving the commercial community at a loss because of still further delays in dealing with Customs traffic. There were had arrangements there up to a month ago, and I do not think there has been any change for the better since. I hope the Minister will be able to say definitely that the complaints that were made three weeks or a month ago no longer exist. Up to that time the practice was that the Customs officials who did ordinary work in the day time entered upon the special work of examining consignments after hours, that work being paid for by the traders at overtime rates. One week, for instance, on a Monday, there were 25 consignments cleared before 4 o'clock, and 16 after 4 o'clock.

On Tuesday 20 consignments were cleared before 4 o'clock, and 73 after 4 o'clock. On Wednesday 14 consignments were cleared before 4 o'clock and 15 after 4 o'clock. On Thursday 13 were cleared before 4 o'clock, and 7 after 4 o'clock. On Friday 4 consignments were cleared before 4 o'clock, and 22 after 4 o'clock. The railway companies have to pay the Customs people 4/- an hour overtime to examine dutiable goods after 4 o'clock. That charge is thrown upon the companies and the public solely, because the staff for dealing with Customs matters is insufficient. The consequence is very

considerable delay in forwarding the traffic. On a day in the early part of November, which is not the latest information that I have, there were 477 consignments, and some of them were waiting since last May to be dealt with. They were lying at Greenore uncleared, and the whole of the responsibility for that lay with the Customs. It is quite evident that there is an accumulation of consignments, and that there is general dissatisfaction with the manner of dealing with them. It is clear from facts placed before me that the service is being transferred in other directions and is going by other routes, and is coming by rail from Northern ports. The complaint in regard to Greenore may not be typical. I hope it is not; but there have been complaints from Waterford, Cork and Dublin in regard to the delays to consignments and in the transportation of goods. If it can be shown, as I am led to believe it can, that much of the delay is caused by the shortage of Customs officers then some improvement should be made by the appointment of a larger number of examiners.

**MINISTER for FINANCE : (Mr. Blythe) :** I am sorry Deputy Cooper gave in his notice in the form he did. He simply stated that he would draw attention to the Customs arrangements at Free State ports. I was not sure if he meant to speak about Dun Laoghaire or on some question he had not raised before. His form of notice amounts practically to no notice at all. It will be obvious that I could not, with such notice given me that a matter would be raised on the adjournment, have any details about Greenore or other places. A Minister can only give satisfactory answers on any matter raised on the adjournment if he is given reasonable notice, and if something fairly specific is mentioned, so that if it is a matter about which facts can be brought forward, he can have some opportunity of getting them. I answered a question in regard to Greenore, and I know there was a serious failure on the part of the railway company in giving us the facilities we were entitled to at Greenore. The only weapon we would have would be to refuse to recognise the

[Mr. Blythe.]

place at all, and so shut down the traffic, and we could in that way get the facilities which up to this we have not had. We have not got the facilities from the railway company at Greenore that we should have got. Further than that I cannot say at the moment, without having some notice of the matter. The Dun Laoghaire case is really a matter for engineers. There are remedies that could be applied there, but they would cost very considerable sums indeed. Some remedy that would be cheap, and still quite a sufficient remedy, is a matter that is being looked into. I certainly desire to do everything possible to facilitate the work there, and everything I can do will be done; but I will not be rushed into any costly scheme until I see that it cannot be done more cheaply. I have taken all the steps that I consider necessary at the moment. I have had a conference of people interested, and I have given instructions to have the matter examined. It has been examined to some extent and is still under examination.

**Mr. HEWAT:** Would the Minister think of bringing the Mail Boats into Dublin, and I will guarantee we will give them accommodation there?

**Mr. BLYTHE:** That, of course, would be a remedy. But I really have nothing at all to add to what I have said on the question of the suggestions put forward. There is nothing new in any of them.

**Mr. GOOD:** Might I point out that an important aspect of the situation has been lost sight of. Owing to the congestion on the pier arising from the examination of luggage, it is very difficult for persons meeting children to get on to the pier. That is a very important matter, particularly coming to the Christmas season, when a number of youngsters are coming home. I understand that the existing arrangement is that if one wants to get on to the pier one has to apply to the Harbour Master's office for permission, and in that way get a ticket. I am told that such applications have been refused on account of congestion on the pier, so that, from that point of view, I think it is

absolutely essential that the examination of luggage should be removed altogether, if possible, in order that accommodation might be given to those other people, for whom I think it will be generally agreed some form of accommodation should be provided. This matter has been engaging the attention of some of the commercial bodies in the city, and I think they came to the conclusion that the practical solution of the difficulty would be to do away with the examination at Dun Laoghaire altogether, and let a similar method to that which Deputy Cooper has referred to be adopted at Dún Laoghaire as in the case of passengers arriving at Dover and going through to London. The examination of luggage should be done away with at Dun Laoghaire and should take place at Westland Row.

Accommodation could be easily provided there, and the work done in a much more expeditious way than at the moment. It is quite obvious that a certain amount of examination of luggage would still be necessary at Dun Laoghaire, for a number of people leave the pier there and go to places in the South, but that would be only a small portion of the amount of luggage going through. If the other method were adopted the greater part of the difficulty could be got over. I hope this matter will be kept before the Minister, and some solution provided.

**Mr. BLYTHE:** The question of examination at Westland Row is one of the suggestions that has been considered. That would involve expense and delay. A number of people might be going from Westland Row to different parts of the country, and it would involve difficulties for people who wanted to get down to Wicklow and Wexford. All the suggestions put up here have been examined. I do not see that better arrangements could be made, but the matter is under examination. It is impossible to find a way that would satisfy everybody. In fact it is impossible to find a way that does not create some new inconvenience. I believe it is impossible to allow people on the pier in any numbers without making congestion very much worse. There could be arrangements such as having an examination in Dun Laoghaire some-



where away from the pier. I do not know whether there is space there or not. I think the examination that is done at Dover is done at some considerable distance away from where the boat comes in.

**Major COOPER:** No, it is adjoining the quay.

**Mr. BLYTHE:** Yes, it is some hundreds of yards away. Perhaps some arrangement could be made that would do away with the bringing of trains on to the pier. I assure the Deputies that they are not full of new suggestions that nobody else ever thought of, and that the various suggestions that have been put forward

raised their own difficulties. I can only promise that the matter will be kept under consideration.

**Mr. GOOD:** Would the Minister see that the question of access is made as easy as possible for children arriving there and expecting to see their parents on the pier, and that some arrangements could be made to meet their special grievances?

**Mr. BLYTHE:** I will take that into consideration, but I believe it would be difficult to allow any considerable number of people on the pier.

The Dáil adjourned at 8.40 p.m. until 3 o'clock to-morrow.

## DÁIL ÉIREANN.

DÉ CÉADAOGIN, 12adh Mí NA  
NODLAG, 1923.

(Wednesday, 12th December, 1923.)

Do chuaidh an Ceann Comhairle i  
gceannas ar a trí a clog.

### CEISTEANNA—QUESTIONS.

#### ORAL ANSWERS.

#### COMMITTEE OF PUBLIC ACCOUNTS.

**Captain REDMOND** asked the President whether "The Committee of Public Accounts" as provided for in Standing Order No. 100 of Dáil Éireann has yet been appointed, and, if not, when it is proposed to do so.

**The PRESIDENT:** The Committee has not yet been appointed, as the first Appropriation Accounts of Saorstát Éireann are not yet due to be rendered. It is proposed to take steps for the appointment of the Committee as soon as the Comptroller and Auditor-General presents his Report on these Accounts.

#### REPORT OF COMPTROLLER AND AUDITOR-GENERAL.

**Captain REDMOND** asked the President whether the Comptroller and Auditor-General has yet made his Report on the Accounts for the last Financial Year, and, if so, when that Report will be presented to the Dáil.

**The PRESIDENT:** Under the Comptroller and Auditor-General Act of 1923, which incorporates the Exchequer and Audit Departments Acts, 1866 and 1921, the Appropriation Accounts of the several Supply Grants comprised in the Appropriation Act of each year, together with the Report of the Comptroller and Auditor-General thereon, shall be submitted to Dáil Éireann on or before 31st January, 1924, after the termination of the Financial Year to

which the Accounts relate—that is, the 31st January next year for the accounts of 1922-23. There has been a certain delay in some Departments, owing to the circumstances connected with the transfer of the Exchequer and the general conditions prevailing last year, in furnishing the Accounts and Vouchers for the latter part of the Financial Year 1922-23, but it is, nevertheless, hoped that the Report on the Appropriation Accounts for the Financial Year, 1922-23 may be completed by the 31st January, 1924.

**Captain REDMOND:** Is there any possibility of a report for the end of the last financial year?

**The PRESIDENT:** That is for the year that I mentioned—1922-23. It is hoped that these accounts will be ready on the 31st January, 1924. I should say, with regard to that, I have some experience of public accounts, and the delay is not unreasonable. It is about three months beyond the date when some important local bodies manage to furnish their accounts. They are not audited for a long time after that.

#### DIRECTOR OF NATIONAL GALLERY.

**Captain REDMOND** asked the President if the Board of Governors and Guardians of the National Gallery of Ireland have just appointed a gentleman to be Director of the Gallery, and if, having regard to the importance to Ireland of the post and to the widespread disapproval which the announcement of the appointment has caused, the President is prepared to endorse and ratify the choice of the Board.

**The PRESIDENT:** The appointment of a Director of the National Gallery rests with the Board of Governors, which is a statutory body and are representative of the Art Institutions and art lovers of the country. There is no question of ratification or endorsement of the appointment by me.

**Captain REDMOND:** Does the President mean to say that he has got nothing to say to the appointment?

**The PRESIDENT:** Yes.

**Captain REDMOND:** Is the President aware that the gentleman proposed to be appointed has not been recommended—

**AN CEANN COMHAIRLE:** If the President has nothing to say to the appointment, he cannot answer.

**Major COOPER:** Arising out of that answer, surely some Minister is responsible for the appointment of the person who will be paid out of public funds, and, if so, to what Minister should we address our enquiries?

**The PRESIDENT:** I have stated that the Board of Governors is a statutory body. The Minister is not responsible any more than if the present judicial system were to prevail; it would not be the business of a Minister to interfere with the appointment by the Lord Chief Justice of a person in the Courts.

**Captain REDMOND:** Is the President aware that this gentleman will have at his disposal for expenditure a sum of £2,500 a year of public money?

**The PRESIDENT:** It depends on the Vote of the Dáil. I do not think the sum is £2,500; I think it is £1,000, but if the Deputy persists in saying it is £2,500, I will accept his statement.

**Captain REDMOND:** Would not the Minister have the right to control the appointment of a gentleman who would have at his disposal such a large sum of money? I think it is rather strange if he would not.

**Mr. JOHNSON:** May I ask a further question with regard to the answer of the President? In the Bill before us the Minister for Education is put in charge of the National Gallery. Are we to take it that the salary of any person appointed will be on the Estimates, and, therefore, can be discussed?

**The PRESIDENT:** I think it is a fair question, though I do not think it arises out of the original question put by the Deputy. I believe the salary will be on the Estimates, and it is open to the Dáil to refuse to pass it and to refuse to pay if it so desires.

## **PREMISES OF FERMOY EX-SERVICEMEN.**

**Major BRYAN COOPER** asked the Minister for Finance whether he is aware that the premises of the Ex-Servicemen's Club in Fermoy have been taken over compulsorily by the Board of Works for the accommodation of the Gárda Síochána; whether a representative of the Board of Works promised the officials of the Club that they would be fully compensated both for the £200 worth of improvements they had made in the premises and also for disturbance, and whether, as nothing has been paid, he will expedite the settlement of this claim.

**MINISTER for FINANCE (Mr. Blythe):** The premises referred to in this question consist of the old R.I.C. Barrack, in which the Civic Guard at Fermoy are accommodated. It was held by the R.I.C. on a lease for 21 years from 1903, the interest in which passed to the Free State Government. Between the dates of vacation by the R.I.C. and that of occupation by the Civic Guard the premises were occupied by the Legion of Irish Ex-Servicemen. Such occupation took place without the knowledge or consent of the Free State Government, and no claim by the Legion of Ex-Servicemen in respect of disturbance or for improvements would ordinarily lie against the Government, which, under the lease, is not responsible for the upkeep and maintenance of the premises.

I am having inquiries made regarding the promise of compensation which is stated to have been made by the representative of the Board of Works, and concerning which the Commissioners of Public Works have no knowledge.

## **INQUIRY INTO THE CASE OF NOEL LEMASS.**

**LIAM O DAIMHIN** asked the Minister for Home Affairs what steps have been taken to comply with the demand of the Jury at the inquest on the late Noel Lemass, for a full judicial enquiry into the evidence, in view of their finding that the armed forces of the State were implicated in the removal

[Liam O Daimhín.]  
and disappearance of Noel Lemass from  
the streets of Dublin.

**MINISTER for HOME AFFAIRS (Mr. K. O'Higgins):** A Coroner's inquest is itself a judicial enquiry, and no machinery exists for enabling any further enquiry of the kind suggested to be held. If at any time sufficient evidence is forthcoming to connect any particular individual or individuals with the crime the appropriate court proceedings will be at once instituted for the purpose of having the charge investigated and dealt with in due course of law.

It is to be observed that the opinion expressed by the Jury to the effect that armed forces of the State were "implicated in the removal and disappearance of Noel Lemass from the streets of Dublin," was entirely unsupported by evidence.

#### **REGISTRATION MACHINERY OF TRADE MARKS, ETC.**

**PEADAR UA DUBHGHAILL** asked the Minister for Industry and Commerce if he is aware that the necessary facilities and machinery for the registration of Trade Marks, for the protection of Copyright, and for granting of Patents do not exist in the Saorstát; if steps are being taken to enact the legislation necessary to establish such powers and machinery; if he can say when the registration of Trade Marks, of Copyright, and of Patents will be possible, and if provisional protection of a reliable kind can be given in these matters pending legislation.

**MINISTER for AGRICULTURE (Mr. Hogan, replying for Minister for Industry and Commerce):** A Bill dealing with Patents, Trade Marks, and Copyright has been prepared and is now undergoing final consideration. It should be possible to introduce the Bill soon after Christmas.

In the meantime applications to register Trade Marks, Copyrights, and Patents are being recorded, and effect to be given to such applications will be determined by the provisions of the Bill.

#### **HIRE OF WATERFORD POLLING STATION.**

**Captain REDMOND** asked the Minister for Local Government whether the residence of Mr. John Power, 32, Peter's Lane, Waterford, was used as a polling booth during the recent Election in Waterford; whether Mr. Power has applied for payment both locally and to the Ministry, and whether the amount due to him will be paid forthwith.

**Mr. BLYTHE:** I will answer this question. The facts are as stated.

Payments of this kind are primarily a matter for the Returning Officer, to whom advances have been made enabling him to meet any reasonable claims.

I may say that the last advance was on December 11th, when £300 were sent. If the matter is not now settled, I will inquire further into it.

#### **REPAIR AND MAINTENANCE OF CORK BRIDGES.**

**MICHEAL O HAONGHUSA** asked the Minister for Local Government whether he is aware that the damage to the Crompane Bridge, near Youghal, Co. Cork, has not yet been repaired; that many heavy ratepayers living over a large area served by the bridge are very seriously inconvenienced; to ask what action, if any, it is intended to take to compel the Cork County Council or other Local Authority responsible for the repair and maintenance of this and many other destroyed bridges in Cork County to restore this bridge.

**MINISTER for LOCAL GOVERNMENT (Mr. Burke):** The answer to the first part is in the affirmative. It is estimated that the reconstruction of this bridge will cost £2,500. The total estimated cost of repairing and reconstructing damaged bridges in the County is £163,961, and provision was not made by the Council in their rate estimates for the carrying out of this work. As regards the particular bridge referred to, I have not sufficient information before me as to whether rebuilding could be undertaken during the winter. If an application is made

by the County Council for a loan for the purpose of rebuilding, the matter will receive immediate consideration.

Advances will be made from the Road Fund in the Spring of next year in connection with damaged bridges. The Road Fund will not receive until next month the first contributions from the special sixpenny rates under the Damage to Property (Compensation) Act, 1923.

### COMPENSATION FOR PRE-TRUCE VOLUNTEERS.

**SEAN O LAIDHIN** asked the Minister for Defence whether he is aware that Divisional Commandant James Tormey, I.R.A., was killed in action at Cornafulla, Athlone, on February 2nd, 1921, and that Lieutenant Joseph Tormey was shot dead in Ballykinlar Camp on January 17th, 1921; further, whether it is proposed to grant compensation to the parents of the above, who reside at Moneen, Moate, and who are in poor circumstances owing to the loss of their sons.

**MINISTER for DEFENCE (General Mulcahy):** I am informed that James and Joseph Tormey were killed as stated. The question of compensation will be considered under the provisions of the Army Pensions Act, 1923.

**Mr. LYONS:** Will the Minister say if the same will apply to Joseph Sloane, who was killed at Ballykinlar at the same time?

**AN CEANN COMHAIRLE:** That is a separate question, I think.

### FLOODING OF THE BARROW.

**Mr. JOHN CONLAN** asked the Minister for Local Government whether he is aware that great distress prevails in large areas of Counties Kildare, Leix and Offaly owing to the River Barrow overflowing its banks and ruining corn, hay, and other crops; that the people in consequence are unable to pay Land Commission annuities, to ask what steps, if any, he proposes to take in the matter.

**Mr. HOGAN:** I will answer this

question. The conditions referred to have been in existence for a great many years, and they were considered when advances for purchase were being sanctioned and when annuities were being fixed.

With regard to the drainage of the Barrow generally, it involves financial, engineering and legal difficulties, which could not be settled at once, and, while it is recognised that a scheme for the drainage of the Barrow would bring real relief to the farmers in the districts mentioned, it is clear that work of this magnitude is not for the Land Commission. Whatever measures may be appropriate in connection with the drainage of the Barrow and the relief of the farmers concerned, Land Commission annuities must be paid.

**Mr. CONLAN:** Is the Minister aware that very exceptional circumstances exist this year?

**Mr. HOGAN:** Does the Deputy mean exceptional circumstances in connection with the flooding of the Barrow?

**Mr. CONLAN:** Yes

**Mr. HOGAN:** I am aware that the flooding this year is a little more than usual. As I stated, when these lands were being valued by the Land Commission, and when advances were made and annuities fixed, the fact that these lands were liable to periodic floods was taken into account.

**Mr. GOREY:** Is the Minister aware that in this and in other districts the position is getting worse, inasmuch as the waterways are being choked up in a manner worse than they were ten or twenty years ago?

**Mr. HOGAN:** I am aware the conditions are a little worse this year, and I will ask a rhetorical question which is really an answer to the question. Is the Deputy aware that it is absolutely essential for the credit of this country that Land Commission Annuities should be paid up?

**Mr. GOREY:** Is the Minister aware that Land Commission Annuities cannot be recovered from water and swamps?

**Mr. HOGAN:** That question does not arise.

### **DIVISION OF MOATE ESTATES.**

**SEAN O LAIDHIN** asked the Minister for Agriculture whether it is intended to acquire under the Land Act, 1923, the estates of Captain Bailey, situate at Ballinaderry, Moate, for division amongst congests.

**Mr. HOGAN:** It is not possible at present to state whether the lands referred to will be acquired or not.

### **WRITTEN ANSWERS.**

#### **ACQUISITION OF LAND IN CO. WESTMEATH.**

**SEAN O LAIDHIN** asked the Minister for Agriculture whether it is intended to acquire through the Land Commission for division amongst the people the ranches of Mr. Harris Temple, of Drumraney, Colonel Malone, of Shinglas, Ballymore, Mrs. Hall, Clare Hill, Ballymore, and of Mrs. O'Donoghue, Rosemount, Moate.

**Mr. HOGAN:** It is not possible at present to state whether the lands referred to will be required for the relief of congestion.

#### **CHARLEVILLE ARMY ACCOUNTS.**

**MICHEAL O hAONGHUSA** asked the Minister for Defence whether he is aware that Messrs. Cahill and Kelleher, Merchants, Charleville, Co. Cork, have repeatedly furnished long overdue accounts to the Military Authorities for payment, and if he will state when those accounts will be disbursed.

**General MULCAHY:** Claims have been received from Mr. Michael Cahill, Main Street, Charleville, in respect of hire of and damage to a motor lorry. The investigation of the claims is being expedited, and it is hoped to have them cleared very quickly. Assuming that Messrs Cahill and Kelleher refer to different firms, there is no trace of a claim from Mr. Kelleher at Headquarters.

### **INTERPRETATION BILL, 1923.**

**AN CEANN COMHAIRLE:** Before entering upon the Orders of the Day, there is a report from the Special Committee appointed to consider the Interpretation Bill. It will be necessary to decide whether the Bill, as amended, is to be printed, and to fix a date for its consideration on the Report Stage.

**Professor THRIFT:** As Chairman of the Special Committee that sat, I move to report progress. The Special Committee on that Bill met this morning and made certain amendments, which are now in the copy of the Bill laid on the Table. I move that progress be reported and that the Bill be printed and circulated.

Question: "That the Bill, as amended in Committee, be printed"—put and agreed to.

Report Stage ordered for Thursday, 13th December.

### **EXPIRING LAWS BILL, 1923.**

#### **DAIL IN COMMITTEE.**

The Bill was passed through Committee without amendment.

#### **DAIL RESUMES.**

Bill reported.

Standing Orders were suspended, and the Bill was passed through all its stages.

Ordered that the Bill be sent to the Seanad.

#### **DAIL IN COMMITTEE.**

### **MINISTERS AND SECRETARIES BILL, 1923—THIRD STAGE (RESUMED).**

Discussion of Section 7 resumed.

**Mr. THOMAS NAGLE:** I beg to move Amendment No. 32, to delete Sub-section 3.

The object of this amendment is to make the position of Parliamentary Secretaries an honorary one. The whole question has already been discussed pretty fully, and I do not think

I need say anything further on the matter.

Amendment put and negatived.

**ATTORNEY-GENERAL:** I beg to move Amendment No. 33:—To insert before the word "each" at the beginning of Sub-section (3), line 43, the following words:—

"There shall be paid out of moneys provided by the Oireachtas to," and after the word "Act" to insert at the end of line 43 the following words:—

"Who shall not by his appointment be declared to be appointed without salary, such," and to delete line 44 and to add at the end of the sub-section the following proviso:—

Provided however that the total number of persons who shall at any one time be in receipt of salaries as Ministers or as Parliamentary Secretaries shall not exceed fifteen."

The object of this amendment is first of all to provide that the number of Parliamentary Secretaries in receipt of any salary that may be paid, shall not at any one time, together with the number of Ministers, exceed 15. That will not prevent the appointment of honorary Parliamentary Secretaries in accordance with the wishes just expressed by Deputy Nagle. One of the effects of the amendment will be that, on appointment, it must be declared whether a Parliamentary Secretary is appointed with or without salary.

**Major BRYAN COOPER:** I want to congratulate the Government upon the action they have taken in this matter. They have met the opinion which I expressed on Second Reading when I stated that seven Ministers and seven Parliamentary Secretaries would be enough. I am not going to quarrel with the fact that the Attorney-General requires one more, so that the number fourteen, as contemplated by me, is increased by the Government to fifteen. If they desire to appoint one extra, by all means let them do so. What I call attention to is that when I urged that course on Second Reading the Attorney-General stigmatised my arguments as superficial and unsound. Yet, after mature deliberation, he adopts that very scheme as his own. The explan-

ation is a simple one. I did not convince the Attorney-General. I do not think I have convinced him even now, but I think I convinced the Minister for Finance, who adopted my view yesterday on this matter. This, I think, affords a very good indication of the value to be attached to discussion. If Ministers take a little longer time to get their Bills through, they may be comforted by the fact that in the end they do get their Bills in an improved form, as compared with the form in which they were introduced.

**ATTORNEY-GENERAL:** May I point out that while argument may be unsound, conclusions may be sound.

**Mr. DARRELL FIGGIS:** I would like to congratulate the Attorney-General on having introduced this amendment, and I only desire to say that I doubt that such an amendment ever would be introduced but for the putting forward of argument inside and outside the House that was stigmatised by the Government in opprobrious terms.

**The PRESIDENT:** I might, perhaps, draw attention to the fact that when introducing this Bill, I said it was not intended to appoint more than three Parliamentary Secretaries.

Amendment put and agreed to.

**Mr. HEFFERNAN:** I beg to move Amendment 34. In Sub-section (3), line 46, to delete the figures "£1,200," and to substitute therefor the figures "£600."

My object in moving the amendment is very much the same as that which animated me in moving a previous amendment in regard to the reduction of salaries of Ministers.

In this matter, however, in suggesting the reduction of the salaries of Parliamentary Secretaries, as fixed by the Bill, I am on surer ground than in the case of the former amendment. Here we are dealing with appointments and with salaries to men who have not yet started to perform their duties, and we are dealing with salaries which are to apply to positions that did not exist before. I think, for these reasons, it is very important, at the commencement at least, that the salaries to be paid to

[Mr. Heffernan.]  
the Parliamentary Secretaries should be fixed at a reasonable amount. It seems to me that when we get more experience of Parliamentary work, and know the material of which the secretaries are composed, it would then be in the power of the Oireachtas to increase these salaries, if they thought well to do so. I also think—and it is very reasonable to expect—that we have here in this Dáil many young men who would be anxious to take up the duties of Parliamentary Secretaries at comparatively small salaries, in order that they might serve their political apprenticeship, and at the end of that time might rise to greater eminence and higher salaries.

**The PRESIDENT:** I would like to say, on this amendment, that I am rather surprised the Deputy did not compare the salary which he proposes to pay in this case with the salary paid in similar employment outside. We are not concerned in getting Parliamentary Secretaries who will serve an apprenticeship at the cost of the State. We are concerned with the appointment of Parliamentary Secretaries who will do more than what we call Parliamentary duties, as I have explained on one or two occasions. I have examined this amendment from the point of view of how much extra the Deputy would receive for the duties which it is proposed to impose upon him or to ask him to discharge. In the case of a single man appointed to this position, his salary would be £166 17s. 6d. per annum, a little over £3 a week, over and above what he would be entitled to receive as a member of this Dáil. I thought the Deputy would be in a position to give the Dáil some information as to what is usually paid to the Secretary of the Farmers' Union or a Secretary of a County Council, or some other official associated with the activities of the party to which he belongs, and of which he has got expert knowledge. I would like to know of a case of any whole-time officer to any one of these bodies—a County Council or a Farmers' Union—who has only £166 17s. 6d. per annum. There is nobody that I know of in a position to take up such important duties at this particular

price. I think the Deputy ought to take the Dáil into his confidence, and tell us where these great men are to be found who are capable of doing so much at such a figure, because we certainly do not know.

**Mr. WILSON:** I would like to point out to the President that the Secretary of the Wicklow County Council has a salary of £500 a year, and that although there is only a difference of £160 between a Deputy's allowance here and the salary proposed to be paid to these Parliamentary Secretaries, it is well to point out that it is not intended, I think, that these Parliamentary Secretaries would be living outside the City of Dublin. Therefore, the £360 a year allowance would in that case be more or less a salary. It will not be considered in the light of expenses, because the Parliamentary Secretary would be living at home. The salary of £50 a month for a beginning, except of course in the case of a man of exceptional ability, is, I think, a very fair start. It is a salary which a man in the Civil Service takes years to reach. Therefore, we think that the salary to be paid to these Parliamentary Secretaries should start fairly small, and that they should be given gradual increments in the future.

Amendment put and negatived.

**Mr. C. HOGAN:** I beg to move Amendment 35, to delete in Sub-section (3), line 46, the figures "£1,200" and to substitute therefor the figure "£800."

The effect of the amendment is to have the salaries proposed to be paid to Parliamentary Secretaries reduced from £1,200 a year to £800 a year. We are all very well aware that this salary cannot be regarded as setting up a very generous standard. But all things considered, it cannot be regarded as meagre or as unfair. A man's work in any Department is conditioned by two things: First, the service he renders, and secondly, the capacity of the nation to pay. The services rendered by these Parliamentary Secretaries would be of a subordinate, if not of a subservient, character. They will not have the responsibility of the Minister, and consequently they will only be filling a minor rôle. As a matter of fact, I



think a well-trained Civil Servant would be a greater acquisition, and a more desirable asset in any Department than a Parliamentary Secretary, for, when everything is considered, you must regard your proposed Parliamentary Secretaries for some time to come, at least, as unskilled labourers. Secondly, as to the capacity of the people to pay, I do not think that at the present time, when we are faced with a deficit of eighteen and a half millions, that we should set up a champagne standard of emoluments. It would be very undesirable, all things considered, seeing the poverty of the country, that such high salaries should be paid. I think the Dáil should set a good example and leave the salary of these Parliamentary Secretaries at £800 a year.

**The PRESIDENT:** I did not know that there were any unskilled labourers in the country earning £800 a year. I do not know whether any are paid that salary down in the Deputy's own county or not. In this case an unmarried man would get £320 a year, over and above his allowances, and, as I said before, we have got no information from the financial experts on the benches opposite, as to what they pay the secretaries of their own Farmers' Union. I think they ought to take us into their confidence and give us some idea as to what they pay these secretaries, because I have very great respect for the organisation of the farmers. I have seen the activities of these men, and I know of their usefulness, and it would be a headline for us, perhaps, if we were told the salaries paid to them. The Deputy stated that the salary he suggested would be, in essence, what a civil servant would get. The salaries paid to Executive Officers in the Civil Service range, I believe, from £700 to £900 a year with bonus. But, in this case, the Deputy proposes to pay less to Parliamentary Secretaries than is paid to the higher Executive Officers in the Civil Service. While the Deputy may say that these Parliamentary Secretaries had not got the responsibility, I may say that they have practically the responsibility of a Minister, with the difference, perhaps, that fewer bricks

Vol. 5.

are thrown at them than at the Ministers.

It is very doubtful whether they will not suffer the same discredit in the event of any catastrophies occurring that a Minister will have to bear. One cannot say that an allowance is not eaten up if the member stays in Dublin. Everybody knows that the expenses in connection with membership of this House are not confined to hotel expenses. A Minister or a Parliamentary Secretary, or anybody of that sort, will have certain expenses over and above what attaches to the ordinary member. It has been stated on many occasions, as a reason why people should be paid a fair wage, that they should have a reasonable hope of comfort or a reasonable chance of keeping themselves free from the burden of debt, and that where such conditions do not obtain one does not get really good results. In this case a Parliamentary Secretary is in more or less the experimental stage. One can only say that during our experience Parliamentary Secretaries have had practically the same hours of work, as, and perhaps on some occasions, even longer hours of work than, Ministers themselves.

When calculating what salary ought to be paid the persons taking up those positions, one must take into consideration the value received for that work. I am satisfied, from my experience, that we have had good sound value for the work. I am satisfied, even with the deficit of eighteen and a half millions that the Deputy has mentioned, that it is still an economic proposition to incur this extra expense. I am not satisfied that a reasonable case has been made for the acceptance of the lower figure.

**Mr. GOREY:** I think the Minister makes his defence on the assumption that there is somebody in the service of the Farmers' Union or some other Union in receipt of a bigger salary than this. As far as I can gather from his remarks, his whole case turns on that. The highest salary paid to an official of the Farmers' Union—our General Secretary and Organiser—is £700, and that salary was fixed in 1918 or 1919, the peak years. What our policy will be in reconsidering that salary, it is not

[Mr. Gorey.]

for me to say at the moment, without consideration. That gentleman has been sent to America on the business of the State. He was described by a Minister as a superman, a man I believe who was not to be found on their own benches. In my time in the Dáil I have seen very little signs of supermen. There may be supermen amongst the Ministers, but I was unable to see amongst the rank and file any trace of these supermen. I think them very ordinary individuals, and the general public think them very ordinary individuals, men who are to be met in almost any walk of life, commercial or otherwise. To offer £800 to these young men who are, as Deputy Heffernan said, being placed on the road to still greater things, I think is a very respectable inducement. Even £800, with income-tax—I forgot to mention that our Secretary is also subject to income-tax—is a very fine start for our ambitious and capable young men. I think the amendment is a reasonable one.

We were charged here the other day with eye-wash, a charge that I resent personally, and on behalf of the Party that I represent. My idea in facing the economic situation, the situation described by the Minister for Finance, was that everybody should lend a hand in tiding over the difficulty, that everybody should accept a cut. That is a very fine doctrine for everybody except ourselves. When it comes to ourselves we find a very different outlook. We find ourselves making a case for ourselves. And our case, when made, is a very bad case in comparison with that which other men in the country can make when the question of a ten per cent. cut is put to them. The case we can make personally is a very poor case, indeed, in comparison with that of every other class of the community. I think this amendment offers fair remuneration even for the super work required from these supermen. We do not begrudge men holidays; we do not begrudge them amusement. But our own officials have not been seen unduly on racecourses or anywhere else. We do not object to anybody else being there, but we do think that £800 is a

fairly decent salary to offer. It is as much as this State can afford. Therefore, I support this amendment.

**Mr. HEFFERNAN:** I rise to support the Deputy who put forward this amendment. If the President is anxious to get facts and figures with regard to the salaries paid the County Secretaries of Farmers' Unions, I will be very pleased to give him all the facts and figures he requires. I would be more or less ashamed to state here in the Dáil the actual salaries they receive, and I can say that if the President will base the salaries of his Ministers and of his Parliamentary Secretaries on the salaries of the County Secretaries of the Farmers' Union, we will be perfectly satisfied with the work he is doing in the interest of economy. He also mentioned the Secretaries of the County Councils. In that regard, I see more or less eye to eye with him. I believe the salaries of Parliamentary Secretaries ought at least to be equal to the salaries of Secretaries to County Councils, or, perhaps, somewhat more. But I am also strongly of opinion that the salaries of the Secretaries of the County Councils are in most cases too high, and should be reduced, as also the salaries of other officers of Local Government Boards throughout the country. I notice that the amendments on the paper dealing with this matter are on an ascending scale. They start at £600, go up to £800, and from that to £1,200. I would suggest to the President, before he allows the amendment to be put, that he should do what is commonly done in the farming business—split the difference and fix the salary between £600 and £1,200.

**The PRESIDENT:** The point I mentioned in connection with the last recommendation that the salary should be £600, still holds with regard to this. The salary is only £322 over that of a member, and no member of the Farmers' Union has proved that £322 is a fair salary for this position.

Amendment put.

The Dáil divided: Tá, 31; Níl, 41.

Tá.

Pádraig F. Baxter.  
 Seán Buítléir.  
 John J. Cole.  
 John Conlan.  
 Sir James Craig.  
 David Hall.  
 Connor Hogan.  
 Séamus Mac Cosgair.  
 Tomás Mac Eoin.  
 Risteárd Mac Fheorais.  
 Pádraig Mac Fhlannchadha.  
 Risteárd Mac Liam.  
 Patrick McKenna.  
 James Sproule Myles.  
 Tomás de Nógla.  
 Ailfrid O Broin.

Tomás O Conaill.  
 Aodh O Cúlacháin.  
 Liam O Daimhin.  
 Tadhg S. O Donnabháin.  
 Eamon O Dubhghaill.  
 Mícheál O Dubhghaill.  
 Seán O Duinnín.  
 Donchadh S. O Guaire.  
 Mícheál R. O hÍfearnáin.  
 Seán O Laidhin.  
 Domhnall O Mocháin.  
 Domhnall O Muirgheasa.  
 Tadhg O Murchadha.  
 Patrick K. Hogan (Luimneach).  
 Nicholas Wall.

Níl.

Richard H. Beamish.  
 Seoirse de Bhulbh.  
 Próinsias Bulfin.  
 Louis J. D'Alton.  
 Máighréad Ní Choileáin, Bean Uí  
 Dhrisceóil.  
 Patrick J. Egan.  
 Henry J. Finlay.  
 Desmond Fitzgerald.  
 John Hennigan.  
 Seosamh Mac 'a Bhrighde.  
 Domhnall Mac Cárthaigh.  
 Liam T. Mac Cosgair.  
 Maolmhuire Mac Eochadha.  
 Pádraig Mac Fadáin.  
 Pádraig Mac Giollagáin.  
 Seán P. Mac Giobúin.  
 Seán Mac Giolla 'n Riogh.  
 Eoin Mac Néill.  
 Seoirse Mac Niocaill.  
 Martin M. Nally.

John T. Nolan.  
 Peadar O hAodha.  
 Críostóir O Broin.  
 Próinsias O Cathail.  
 Aodh O Cinnéide.  
 Séamus N. O Dóláin.  
 Peadar S. O Dubhghaill.  
 Pádraig O Dubhthaigh.  
 Eamon S. O Dúgáin.  
 Aindriú O Laimhin.  
 Séamus O Leadáin.  
 Thomas O'Mahony.  
 Pádraic O Máille.  
 Risteárd O Maolchatha.  
 Séamus O Murchadha.  
 Pádraig O hOgáin (Gaillimh).  
 Seán M. O Súilleabháin.  
 Andrew O'Shaughnessy.  
 Seán Príomhdhail.  
 Patrick W. Shaw.  
 Liam Thrift.

Amendment declared lost.

**Major COOPER:** I beg to move:—  
 “In Sub-section (3), line 46, to delete the figures ‘£1,200’ and 4 o'clock. to substitute therefor ‘£1,000.’” I did not vote on the last division because I think the salary would be too low. At the same time, I was not anxious to endorse the President's arguments, because I knew they would be probably used against me on this amendment. I shall try and give the Dáil some of the reasons that actuated me in putting down £1,000 instead of £1,200 as a suitable salary for these new secretaries. The President stated yesterday that the reason he was calling them secretaries was because of the British precedent, and because it was a post that was known. In fixing their salaries I hold it is not unfair to adopt a British precedent also. The salary of a first-class British Minister, such as is attached to the Colonial

Office, would be £5,000, and the Secretary to such a Minister would get £1,500 a year. The salaries of second-class British Ministers, such as are attached to the Board of Education and the Ministry of Pensions, amount to £2,000, and the Secretary would get £1,200. We are proposing to pay our Secretaries on the same scale as the British Secretaries are paid in the Board of Education and the Ministry of Pensions and other Ministries.

I hardly think a case can be made out for that. There should be some ratio between the salary of the Minister and the salary of the Secretary. It would obviously be absurd for the Secretary to get more than the Minister. I venture to think this amendment preserves that ratio in the fairest manner. A British Minister gets £2,000; our Minister gets £1,700. Where a British Secretary gets £1,200, our Secretary

[Major Cooper.]

should get £1,000. I suggest, as our Ministers get £300 less than British Ministers, so our Secretaries should get £200 less than the British Secretaries. In that case we preserve the ratio and make a smaller cut in the smaller salary. That is a reasonable contention.

The President will, no doubt, tell me what the total amount will be when he has deducted the salary of the Deputy, together with income-tax, etc. I would like to point out that by being appointed a Secretary, a Deputy will gain certain advantages. Some of his duties as a Deputy will not be quite so arduous as before. He will not be expected to put down questions, and unless questions are addressed to his Department he need not be in his place in the Dáil during question time. He will have facilities, if his correspondence is rather heavy, because he will presumably be given a Secretary from the Civil Service who will help him to deal with his correspondence. There are those advantages to be set off against the £360. It is suggested that he will also get a certain amount of free postage. I do not know about that, but it has been suggested that Ministers get free postage for their correspondence. I can hardly believe it, but yet it is suggested. I am not going to make that a definite charge.

Most important of all, however, is that the Secretary will have his foot on the ladder of promotion. A Secretary of a County Council can never become anything more, but a Parliamentary Secretary, who performs his duty efficiently, and pleases the Dáil with his advocacy, has a very good chance of becoming a Minister. He is not in a blind alley, and therefore I think £1,000 is a reasonable salary. It is not an enormous amount, I agree, but it is an amount consistent with our means, and it is also sufficient to keep up such dignity as the position of Secretary possesses.

**The PRESIDENT:** The Deputy asked me what is the difference between this salary and what he would receive as a Minister. It would depend whether the man is married or single. If you take a single man, the net salary he

would receive, if the proposal was passed, would be £387. That would be in addition to his £360. I do not know whether the Deputy has carefully examined the clause as amended. In any case the words "an annual sum not exceeding a sum of £1,200," do not give any undertaking that in the case of any appointment there would not be a recommendation for less than £1,200. As the Deputy says, there is always an opportunity of having those appointments criticised, and it would be better, I think, that it would be left at £1,200, because as the work decreases—and we hope it will—there will not be the same need for appointments of Parliamentary Secretaries, or, perhaps, for the appointment of them, at such salaries. I do say, from our experience of the last twelve to eighteen months, that it is not a fair comparison to put these Parliamentary Secretaries along side Parliamentary Secretaries to British Ministers. I do not think there is any comparison with the British Cabinet so far as the hours of work are concerned. It may have been a fair comparison during the war. I read on one occasion where a member of the British Cabinet complained they had been working 14 to 16 hours a day. During normal times it is not likely such hours of service would have to be given. It may be so for some years to come, but I think, in the exceptional circumstances of the times, the suggested salary is scarcely a fair salary. Parliamentary Secretaries have not got the same opportunities as Ministers. Even though there is an apprenticeship in an appointment such as this, there is not the same opportunity as Ministers have of making a name or, perhaps, of losing it. It is a case in which a man cuts himself away from his profession or his business without the notoriety of doing it, and perhaps with a good deal of criticism for doing it. The impression sometimes circulated about a person like that is that it is a soft job. I think those Deputies who have come in contact with men doing that work are satisfied that good services have been rendered. I think in view of the circumstances, the Deputy should not press his amendment.

**Major COOPER:** I am afraid I am not entirely convinced by the President's argument. In practice the maximum salary nearly always stands to be the normal salary. Where it is laid down that it shall not exceed a certain amount, there is always strong pressure brought to bear that it shall be that amount. Once posts are established, and once people draw salaries from those posts, it is very hard to make a reduction. I do not know whether those Secretaries will be acknowledged as Ministers within the Constitution, so that no reduction will be made in their salaries. Even if they are not given that protection, it would be a painful and unpleasant thing to come here and propose a reduction of the salary of an individual you know, and very possibly like. Nothing is easier than to increase a salary. When we are starting let us get on sound lines.

If it is found impossible to get men for the post at £1,000, I am quite certain the Dáil would give its confidence to the President if he said the salary

must be £1,200. I think £1,000 is quite enough, in the circumstances of the time, and in view of the fact that these men will not have served a long political apprenticeship. I am, therefore, afraid I will have to stand by my amendment.

**The PRESIDENT:** The point with regard to having the salary fixed at a lower figure, has been raised. There is nothing to prevent the Minister or the Dáil from doing that, but there is this objection: it would mean an Act of Parliament. That is where the difficulty comes in. It would mean passing an Act to give £200 a year more to a Parliamentary Secretary.

**Major COOPER:** The President passes Acts very easily and very quickly.

**The PRESIDENT:** I am not so sure of that.

Amendment put.

The Dáil divided: Tá, 38; Níl, 50.

## TÁ.

Pádraig F. Baxter.  
 Seán Buitléir.  
 John J. Cole.  
 John Conlan.  
 Sir James Craig.  
 David Hall.  
 Connor Hogan.  
 Séamus Mac Cosgair.  
 Tomás Mac Eoin.  
 Risteárd Mac Fheorais.  
 Pádraig Mac Fhlannchadha.  
 Risteárd Mac Liam.  
 Patrick McKenna.  
 James Sproule Myles.  
 Tomás de Nóglá.  
 Ailfrid O Broin.  
 Tomás O Conaill.  
 Aodh O Cúlacháin.  
 Liam O Daimhín.

Tadhg S. O Donnabháin.  
 Eamon O Dubhghaill.  
 Mícheál O Dubhghaill.  
 Seán O Duinnín.  
 Donchadh S. O Guaire.  
 Mícheál R. O hÍfearnáin.  
 Seán O Laidhin.  
 Domhnall O Mocháin.  
 Domhnall O Muirgheasa.  
 Tadhg O Murchadha.  
 Patrick K. Hogan (Luimneach).  
 Nicholas Wall.  
 Bryan R. Cooper.  
 Darrell Figgis.  
 John Good.  
 William Hewat.  
 Pádraig O hOgáin (An Clár).  
 William A. Redmond.  
 Liam Thrift.

## Níl.

Earnán de Blaghd.  
 Richard H. Beamish.  
 Seoirse de Bhulbh.  
 Próinsias Bulfin.  
 Louis J. D'Alton.  
 Máighréad Ní Choileáin, Bean Uí  
 Dhrisceóil.  
 Patrick J. Egan.  
 Henry J. Finlay.  
 Desmond Fitzgerald.  
 John Hennigan.  
 Seosamh Mac 'a Bhrighde.  
 Domhnall Mac Cárthaigh.  
 Liam T. Mac Cosgair.  
 Maolmhuire Mac Éochadha.  
 Pádraig Mac Fadáin.  
 Pádraig Mac Giollagáin.  
 Seán P. Mac Giobúin.  
 Seán Mac Giolla 'n Ríogh.  
 Eoin Mac Néill.  
 Seoirse Mac Niocaill.  
 Martin M. Nally.  
 John T. Nolan.  
 Peadar O hAodha.  
 Críostóir O Broin.  
 Próinsias O Cathail.

Aodh O Cinnéide.  
 Séamus N. O Dóláin.  
 Peadar S. O Dubhghaill.  
 Pádraig O Dubhthaigh.  
 Eamon S. O Dúgáin.  
 Aindriú O Láimhín.  
 Séamus O Leadáin.  
 Thomas O'Mahony.  
 Pádraig O Máille.  
 Risteárd O Maolchatha.  
 Séamus O Murchadha.  
 Pádraig O hOgáin (Gaillimh).  
 Seán M. O Súilleabháin.  
 Andrew O'Shaughnessy.  
 Seán Príomhdhail.  
 Patrick W. Shaw.  
 Séamus de Burca.  
 Henry J. Coyle.  
 Osmond Grattan Esmonde.  
 Alasdair Mac Cába.  
 Seán Mac Garaidh.  
 Mícheál O hAonghusa.  
 Seán O Bruadair.  
 Eoghan O Dochartaigh.  
 Fionán O Loingsigh.

Amendment declared lost.

**Mr. JOHNSON:** I move Amendment 37:—

“ Before Sub-Section (4) to insert a new Sub-Section as follows: ‘ Not more than one Parliamentary Secretary shall be appointed in respect of any Department of State.’ ”

I take it this merely puts into words what is the intention of the Minister, but I think it is desirable that there should be a definition in this matter and that the number of Secretaries to be appointed should be restricted to one for each Department of State.

**The PRESIDENT:** We will accept this amendment, or, at any rate, the

principle of it, but it may be necessary to alter the wording of it later on.

**Mr. JOHNSON:** I take it that the amendment is accepted and that if any verbal alteration is needed it can be made at a later stage.

**The PRESIDENT:** Yes, that is so.

Amendment agreed to.

## AMENDMENT 38.

In Sub-Section (4), lines 51 and 52, to delete the words “ Executive Minister ” and to substitute therefor the words “ Executive Councillor or

Minister not a member of the Executive Council," and in lines 53 and 54 to delete the words "Executive Minister with the concurrence of the Executive Council" and to substitute therefor the words "Executive Councillor or Minister not a member of the Executive Council."

**Mr. T. MURPHY:** Is it necessary to move this amendment standing in my name?

**AN CEANN COMHAIRLE:** Part of this amendment has been disposed of on amendment 29, but another part has become necessary owing to amendments passed already.

**Mr. JOHNSON:** May I suggest it will be necessary, in view of previous amendments, to delete the word "executive" before "Minister" in lines 51 and 53, inasmuch as it is provided that non-Executive Ministers may appoint Secretaries, so that the word "executive" as placed before "Minister" in each case should be deleted.

**ATTORNEY-GENERAL:** That part of the amendment is a necessary consequential amendment to amendments already passed.

**Mr. JOHNSON:** I move in lines 51 and 53 that the word "executive" where it precedes "Minister" should be deleted.

**AN CEANN COMHAIRLE:** Amendment 38 is, therefore, withdrawn, and a new amendment is proposed by Deputy Johnson, in lines 51 and 53 to delete the word "executive" where it occurs before the word "Minister."

Amendment agreed to.

**Mr. THOMAS O'CONNELL:** I beg to move Amendment 39:—

In Sub-section (4) to delete all after the word "shall" in line 52 and to substitute therefor the words "give such assistance to the Executive Council or such Minister as may be required of him."

The object of the amendment is to make clearer the powers and duties of those Parliamentary Secretaries. I think we have it clear now that they

are really, if not so called, Assistant Ministers, and the amendment seeks to make it quite clear that they are to assist the Minister. The sub-section, as it stands, speaks of the delegation of powers, but I think these are rather inadvisable terms to use in this connection. It would rather take from, or might possibly take from, the responsibility of the Minister to this Dáil. I think the position is that even though Parliamentary Secretaries are employed, the Minister, and the Minister alone, is primarily responsible, and it is that I desire to be made clear by the amendment.

**ATTORNEY-GENERAL:** I hardly think that Deputy O'Connell's amendment is an improvement on the provision as it stands. I do not quite know whether the provision that they are to give assistance to the Ministers has any relation to the figure at which their salary is placed. I am afraid that the phrasing of the amendment as proposed is not clear enough; but it does occur to me that sub-section (4), in view of the amendments carried, will require some consideration, and I think it might be well reconsidered before the Report stage in connection especially with the two paragraphs inserted on the motion of Deputy Johnson.

**Mr. JOHNSON:** I take it the intention is still to retain the Minister as the responsible person in the matter, and that there must be some alteration in the phraseology. It will remove the suggestion that he may delegate not merely duties but responsibilities. I think, in view of that, the Deputy might withdraw his amendment in its present form on the intimation that the intention will be provided for at a later stage.

**Mr. O'CONNELL:** I ask leave to withdraw my amendment.

Amendment, by leave, withdrawn.

Question: "That Section 7, as amended, stand part of the Bill"—put and agreed to.

## SECTION 8.

(1) There shall be and there is hereby constituted a Council of De-

fence to assist the Minister for Defence in the administration of the business of the Department of Defence, but without derogating from the responsibility of the Minister for Defence of the Executive Council and to the Oireachtas respectively for all the administration and business of the Department of Defence and for the exercise and performance of all the powers, duties and functions connected therewith.

(2) The Council of Defence shall consist of the following members, namely, the Minister for Defence, who (under the style of "Commander-in-Chief") shall be Chairman of the Council of Defence, and four other members amongst whom shall be distributed the principal divisions or branches of the business of the Council of Defence, that is to say, a civil member being the Parliamentary Secretary to the Minister for Defence who shall be responsible to the Ministry of Defence for the finance of the Military Defence Forces and for so much of the other business of the Council of Defence as may be from time to time assigned to him by the Minister for Defence and three military members being commissioned members of the said Defence Forces who shall be the Chief of Staff, the Adjutant-General and the Quartermaster-General and shall be respectively responsible to the Minister for Defence for the administration of so much of the business relating to the raising, training, organisation, disposition, personnel, supply, equipment, armament, management, discipline, control and maintenance of the Defence Forces as shall be from time to time assigned to them or any of them by the Minister for Defence.

(3) The Minister for Defence may specially reserve to himself any of the business of the Council of Defence.

(4) The Secretary of the Department of Defence shall act as Secretary of the Council of Defence and shall perform such duties as may be from time to time assigned to him by the Minister for Defence.

(5) The Military members of the Council of Defence shall respectively

hold that office at the pleasure of the Minister for Defence.

(6) The Council of Defence shall meet and act as a collective body and shall be collectively responsible for all matters entrusted to it in its collective capacity whether by any Act of the Oireachtas or otherwise.

(7) The Council of Defence may, subject to the approval of the Minister for Defence, regulate its own procedure and time and place of meeting but it shall meet whenever required by the Minister for Defence so to do and in any case there shall be at least one meeting of the Council every six months.

**Mr. DARRELL FIGGIS:** I beg to move Amendment 1, to delete this section. We have in various parts of the Bill been discussing matters of very great administrative importance. I take this to be a matter of quite a different character altogether. This raises not merely a matter that is important from an administrative point of view, but is important respecting a fundamental principle concerning the future conduct of this State. We are, in this Bill, making provision, presumably, for the administration of a civil body, and of a civil Executive responsible to this Dáil, and quite gratuitously there has been introduced into this Bill a semi-responsible military body which is described as a Council of Defence. This Bill is entitled "The Ministers and Secretaries Bill." The Attorney-General indicates that perhaps at a later stage it might be called "The Ministers, Secretaries and Attorney-General Bill." All those various persons designated in that title are civil authorities responsible to this Dáil. Here we have introduced the principle of persons who shall constitute a military tribunal not responsible to this Dáil. No one military person is really responsible to this Dáil at all.

I wish to draw attention to certain words in particular that fall under Subsection 6, where it reads, that "The Council of Defence shall meet and act as a collective body, and shall be collectively responsible for all matters entrusted to it in its collective capacity, whether by any act of the Oireachtas or otherwise." These are very extra-



ordinary words. We have the words "collectively responsible." I ask, collectively responsible to whom? They cannot be collectively responsible to this Dáil, because this Dáil has no knowledge of any military person at all. It has only knowledge of a Minister for Defence who shall not be a military person. To whom, then, is this Military Council to be collectively responsible? I suggest that the answer is a very obvious one, and not a pleasant one, and that is that the collective responsibility of the Council of Defence will be a collective responsibility to the Army.

The Minister for Defence and myself have participated, from different points of view, in a movement that resulted in the establishment of the Free State, and he knows, and I know, that at an earlier stage when the Army, as the Irish Republican Army, was first established, that it was then placed under Dáil Éireann in the year 1919. Prior to that the movement had been known as the Irish Volunteers. The Minister for Defence knows, and I know, that the Irish Volunteers met in a special deliberative convention to decide whether it would permit itself to be placed under civil authority or not, and the decision taken was that it should be placed under that authority, under a Military Council, and a Military Council, did, in fact, for a long number of years exercise powers that were, under the circumstances, inevitable; but unfortunately this Military Council was not so completely under the Civil Authority as it might have been, and I fear that there is a tendency in this Section to create a Military Council of Defence that is intended to act as a corporate and as a collective body. Collectively responsible, as this Bill says, is collectively responsible not primarily to this Dáil or to the Oireachtas, but to the Army, and that is a very serious state of affairs. In any case there are the words "collective responsibility." It cannot be said that the Council of Defence are collectively responsible to this Dáil, because the only person whom the Dáil recognises in any military authority or responsibility whatever, is not a body comprised of persons, most of whom are not members of the Dáil, but of one

person only, and that is the Minister for Defence, who, in order to become a member of this Dáil is no longer to be a military person.

**Captain REDMOND:** He is to be under this proposal.

**Mr. DARRELL FIGGIS:** Yes, but the words by which he is so placed in that position in this Section are in conflict with the words "collectively responsible." That is the point I want to make. One part of the Section states that the Minister for Defence shall be responsible to this Dáil; another part of the Section states that a Council of Defence shall be created of which he is only Chairman, and that the Council of Defence shall act as a single collegiate body. That leads to the next point that I wish to deal with, which is in Sub-section 2. It says that the Council of Defence shall consist of certain persons, chief of whom is the Minister for Defence.

Here is a remarkable fact with regard to this sub-section 2. As Chairman of the Council of Defence he is no more the Minister for Defence. He becomes there the Commander-in-Chief. He shall be styled Commander-in-Chief. That is not only an undesirable provision in itself, and a very dangerous provision in itself, but it is actually contrary to the law of this country. I have in my hand the Defence Forces (Temporary Provisions) Act (No. 30) of 1923. Part I, Chapter I, Section 5, states "the command-in-chief of and all executive and administrative powers in relation to the Forces (including the power to delegate authority to such persons as may be thought fit) shall be vested in the Executive Council." That is part of the permanent provisions of this Act, but, lest there should be any confusion, the very phrase is repeated in the temporary provisions of this Act, in Part IV, where it says "the command-in-chief of and all executive and administrative powers in relation to the national forces." I exclude the parenthesis—"shall be vested in the Executive Council, and exercised through it, in the name of the Minister." In other words, the law of this State has laid it down, quite clearly and quite firmly, that the Com-

[Mr. Darrell Figgis.]  
 mander-in-Chief is not a person, but is the entire Executive Council. That is a safe and right and necessary provision. It has a parallel in the provision in the United States' Constitution, by which the Chief Executive, who is the President, by reason of being Chief Executive of the State, is *ipso facto* the Commander-in-Chief of the United States army. In Ireland, the Chief Executive is held, in fact, in the Executive Council. The provision that I have just read from the Defence Forces Act states that the Executive Council, who have executive authority in the Free State, acting as a body, is the Commander-in-Chief. But here it states that the Council of Defence shall consist of, amongst others, the Minister for Defence, who, under the style of Commander-in-Chief, shall be Chairman of the Council of Defence. In the Dáil we know him as a member of the Executive Council; we know him as a member of the highest responsible authority in this State, in which is vested the Commander-in-Chief of the army, but when he removes himself from here and becomes part of the Council of Defence, which is the Army Council in a new guise, he becomes a military person, though we knew him here in a non-military capacity. We knew him here as a Minister amongst other Ministers, but there he becomes Commander-in-Chief of the army. I say that that is a very dangerous provision to adopt. I do not know that any country would consent to a provision of this kind. In other countries the practice is, as members of this Dáil are very well aware, that there is no Commander-in-Chief, as such, of the army. There may be a Commander-in-Chief appointed in charge of an expeditionary Force; there may be a Commander-in-Chief appointed for an army in a certain location, but there is no Commander-in-Chief of the entire army. That is the prerogative of Parliament as it should be and was intended to be. I know that nominally the title is held by the king, but in the various Acts that have been passed (Mutiny and Army Acts) it has been laid down as a principle that the actual command should vest in the authority that issues the money by which that Force is main-

tained, and the real Commander-in-Chief is the Chief Civil Authority. Therefore, when those words were adopted in our Army Act we were glad that they were adopted. Now they are to be departed from, and I say that if these provisions, standing as they are, are to be adopted, we are taking in a very dangerous principle into this State, a thing that strikes at the fundamental principle of Statehood, which is that the civil authority shall be supreme. I do not see, in any case, why military matters of this kind should come into a Bill of this nature, which is a purely civil Bill. Apart altogether from that, if provisions are to be adopted, they should be of a kind not like the provisions in this section; they should insist that the Minister for Defence is purely Minister for Defence, and that all persons acting under his authority should act separately under his authority as Minister for Defence without admitting the dangerous principle that is embodied in this section. I move that this section be deleted from the Bill.

**Mr. JOHNSON:** I do not want to repeat the arguments of Deputy Figgis, which follows very much the lines I had intended to elaborate if I had moved this motion. I would like the Minister for Defence, or the Attorney-General, to inform us whether the army has been established under Section 22 of the Defence Forces (Temporary Provisions) Act, and whether the date has been fixed by proclamation. The necessity for this Section is not understood by me. I cannot understand why it is necessary to insert in this Bill a provision respecting the Ministry of Defence, which has not been found necessary respecting other Ministries.

**AN LEAS-CHEANN COMHAIRLE**  
 at this stage took the Chair.

**Mr. JOHNSON:** There has been no suggestion, for instance, of appointing a Council to assist the Minister for Fisheries or the Minister for Home Affairs. Nevertheless, each of those Ministers has, within his authority, the right and power to delegate certain responsibilities to persons in the control

of his Department. In the Defence Forces Act it is laid down that the Minister may delegate authority to such persons as may be thought fit or that the Minister and Executive Council together may do so, but that the Minister shall not allocate to himself any Executive military command. All the requirements of the case regarding a Council to assist the Minister in the technical work of the Ministry of Defence are already embodied in an Act of the Oireachtas. It seems to me that the introduction of this Section has the effect of placing the Minister for Defence in a different category from Ministers having charge of other Departments. I agree with Deputy Figgis that the effect of the section is to distribute responsibility, notwithstanding the statement in Section 1, that there shall be no derogation from the Minister's responsibility. The very fact that we are, by Statute, asked to appoint a Council of Defence to assist the Minister, imposes upon the Council certain authority, as distinct from the responsibility of the Minister. The fact that there is appointed by Statute a Council to assist the Minister, and that the Council is, in part, named beforehand, imposes upon the Council a responsibility direct to the Dáil, thereby relieving the Minister of some of his responsibility. A Council of Defence, which may be necessary, can be appointed under the present law by the Minister and Executive Council. If the Bill which is before us passes into law, a Parliamentary Secretary may be appointed. But Sub-section 2 of this Section insists that there shall be a Parliamentary Secretary to the Minister for Defence, rather suggesting that it is contemplated in the future that the Ministry of Defence is going to be a very much more important body than one would hope the future of the country would require. Surely, we are not contemplating permanent Defence Forces of such a character as would require not only a Minister but a Parliamentary Secretary. The arguments that have been used in favour of the appointment of Parliamentary Secretaries may be strong in respect of Finance, Justice, Home Affairs, Industry and Commerce and Agriculture,

because one can imagine that, as the development of the country proceeds, these Departments will have more and more to do. But if that development, industrially and agriculturally, proceeds in the manner we would like, one would hope that the Department of Defence would have very little to do except keep in being the skeleton of a Defence Force.

We are asked to lay down as a necessity that not only shall the Minister for Defence be a member of the Oireachtas but that he shall appoint a Parliamentary Secretary and that, by law, there shall be established a Council of Defence to assist this Department. One would imagine that it is contemplated that this Department is going to be the biggest and most important of the whole Ministry. I hope that is not the expectation of any Deputy here. There is no necessity, so far as I can see, why the Department of Defence should be singled out for special consideration in this Bill. The Dáil places the responsibility upon the Minister and he has power, under present enactments, to organise his Department in such manner as he may think well. That, I think, should be sufficient. He is in exactly the same position as any other Minister in that respect. I think the inclusion of this Section in the Bill is unnecessary. Therefore, I support the motion to delete the Section.

**Mr. HEWAT:** I have no hesitation in saying, at this stage, that I will both vote for and use every effort to support the amendment Deputy Figgis has moved to delete this Section entirely. It seems to me that it would be rather a calamity if this Section were to go through in its present form. I have never taken part in any military operation and, therefore, I am not qualified to speak technically on the subject—unless, perhaps, a little difference of opinion now and again with some of my friends on the Labour benches might be regarded as a military operation. This whole clause visualises a state of affairs which I, for one, hope none of the Deputies here looks forward to. It places an im-

5 o'clock.

[Mr. Hewat.]

portance on military organisation which a small agricultural, and I hope peace-loving, country will not consider necessary. Deputy Johnson has said that he hopes—and I also hope—that in the future the skeleton or nucleus of a Defence Force will be sufficient for all the military needs of this country. We are all approaching a frame of mind when we can look on that state of affairs as likely to arise. Under the circumstances, to introduce a clause in connection with the Ministers and Secretaries Bill, such as we have before us, seems to me a very retrograde step in the affairs of State. The Commander-in-Chief, as Deputy Figgis has pointed out, is not a recognised appointment. I think I may accept that as being correct. A Military Council, surely, is not necessary under those conditions. To elaborate all these clauses in connection with the matter seems to me to be entirely unnecessary. Therefore, so far as I am concerned, I propose to vote in favour of Deputy Figgis's motion, and if it be lost to vote on the same lines in connection with every other amendment.

**General MULCAHY:** May I say first with regard to the point raised regarding Sub-section 6, where it is stated that the Council of Defence shall be collectively responsible, the purpose is, and it can be amended, that they shall be collectively responsible to the Minister for Defence for all matters entrusted to them. From the point of view of his position in the Executive Council, and his responsibility to it, and through the Council to the Dáil, the Minister for Defence does not stand in any different position to any other Minister. With regard to the Army and its position, and what people who have never touched the Army want to make of it in this country, there is nothing in that but troubled imaginings. Deputy Figgis speaks of the old days, when you had an army that more or less met and asked whether they were going to be subject to the civil power or not. One of the outstanding points with regard to that trouble was that there was a time when the elected representatives of the people did not

think it advisable to accept responsibility for the Army or for the Army's doings. In spite of that political position here there was maintained a perfect understanding and a perfect trust as between the Army of that time and the Dáil. And when the political situation was such that the Dáil could see its way to take responsibility for the Army and its doings, it was the Dáil acted, and it was not the Army. With regard to the Ministry of Defence, there is no proposal to put the Minister under this scheme in a different category to any other Minister, as is suggested. But the Ministry of Defence, in that it provides and keeps in readiness the military arm of the State, is in a very different position from any other Minister. There is no other Department of the State that may find itself called on in the same manner as the Ministry of Defence in a time of national emergency. When we realise that the State provides a Ministry of Defence in order to be able to organise its forces and to be able to defend the interests of the State, that does not mean to say that as a people or as a State we are out looking for war. We cannot shut our eyes to the fact that we have been the victims of war in this country, and that the people who lie on every side of us have been the victims of war, and that war in one country has reacted willy-nilly on the peoples of other countries. It is to be prepared for national emergencies, when your defence forces are called into action, that you have a Ministry of Defence.

I have pointed out on the Second Reading that the holders of particular Army positions who, it is suggested, shall form members of this Council of Defence, are heads of administrative Departments. As far as the Military members of the proposed Defence Council are concerned, they administer Departments that run peculiarly into one another. As I have suggested, these heads of Departments would, in time of national emergency, become the Staff of the Executive Commander-in-Chief in the field. In envisaging the problems that would face this country in time of war, personally, I think it would be inadvisable for the Dáil to

accept a position by which the Executive Council would simply nominate the Minister for Defence, and would not give any idea as to how that Minister ought to look for the highest possible counsel in preparing the policy, plans, and supervising in a matter of policy the technical plans that must be prepared if you are going to be in a state of preparedness in any national emergency.

It has been suggested that this is giving to the Army a particular position outside and away from the authority of this Dáil. It is, on the contrary, indicating that the Minister will have about him a Council of Defence consisting of persons who have administrative duties of a particular type, but who, for those particular duties, are from time to time the selection of the Executive Council. They have selected for these positions, on the advice of the Minister for Defence, the particular officers who hold those positions, and, therefore, they are much more closely in touch and control the direction from which the Minister for Defence gets his counsel, advice and assistance. It is necessary in the settling of the policy of defence that a number of minds connected with the technical side shall get their proper base, or at any rate shall get their proper arena for the exchange and formulating of views, and it is most advisable that they will be brought together in a statutory rather than in a non-statutory way. It is absurd to say that this Council of Defence suggested is a military tribunal not responsible to the Dáil, and it is absurd to say that this is dragging into what is a civil matter a military body. The functions of the Defence Department are more technical in a way than the functions of the other Departments of the State can be regarded.

As regards the point raised by Deputy Johnson, the Defence Forces, under Paragraph 22, have not yet been called into being by the Proclamation that is contemplated there, for the simple reason that in the reorganisation and settling of our army machinery, we are not in the position that we would like to be in before we call the Defence Forces into being. We are at

present working under the latter section of the Defence Forces Act. With regard to the title of Commander-in-Chief, I have already stated that is vesting, in what is considered the most suitable member of the Executive Council, the title which corresponds to the fact that the Commander-in-Chief of the Army is vested in the Executive Council.

**Captain REDMOND:** On the occasion of the Second Reading of this Bill, I took exception to the inclusion of this Section and I did so mainly upon two grounds. In the first place I said that it pre-supposed the setting up of a Standing Army in this country, and that, to my mind, was a question which should have very serious and weighty consideration before it was decided upon. In the second place, I objected to the various proposals included in this Section because I understood, and still understand, them to be unconstitutional. Almost a week after I gave expression to my views in the Dáil, the Attorney-General made a vigorous—I do not think I would quite style it a virile—reply to my observations. His reply was composed, for the most part, of sneering personalities regarding my own knowledge and the source from which it was derived. I do not know whether this method of argument in the Dáil is worthy of a King's Counsel and the leader of the Irish Bar; but I do know that as a junior member of the Bar I do not consider it worthy of reply. Suffice it for me to say that as it is common knowledge that the Attorney-General favours a change in the robes of Barristers, it would now seem apparent that he is also in favour of a change in their manners.

What I would say to the Attorney-General is, that when he has been as many months in public life as I have been years, he will come to know the true value of personalities. As far as I am concerned in this case, they leave me cold; but after five days of, I presume, incessant labour, the mountain hath brought forth a mouse. What is this mouse? A contradiction of a statement of fact. In spite of the Attorney-General's gibes about my humble know-

[Captain Redmond.]

ledge of constitutional law, he does not answer my constitutional point. I stated, as a matter of fact, that in my opinion the Commander-in-Chief of the Army of this country was the king. But that was only incidental to my argument that there was no necessity for the setting up of such an office, and that a person in that position, and at the same time occupying the position of Minister of the Department which controls that office, was in an unconstitutional position. Let us examine the Attorney-General's contradiction and his authorities for it. He is very fond of shying text-books around the Dáil, but I had occasion to look up a well-known text-book known as "The Laws of England," by Lord Halsbury; and I find on page 418 almost exactly word for word the speech of the Attorney-General. It is there stated that the Executive command was delegated—mark the word delegated—to a Commander-in-Chief, who advised the Secretary of State upon all military matters, the latter—that is the Secretary of State—remaining responsible to Parliament and the Crown.

**Mr. JOHNSON:** Is that a commentary on the laws of Saorstát Éireann?

**Captain REDMOND:** Is this a commentary? I am now replying to a contradiction of the statement I made upon the occasion of the Second Reading of this Bill.

**AN LEAS-CHEANN COMHAIRLE:** The Deputy must address the Chair, and I am afraid he is travelling somewhat outside the scope of the amendment.

**Captain REDMOND:** With all respect, I submit this is an amendment to delete this section, and that in the Section it is proposed that a Minister of this Dáil shall be styled "Commander-in-Chief." I submit most respectfully that I have the right to argue that there is only one Commander-in-Chief in this country, and that is the King.

**Mr. D'ALTON:** Your argument.

**Captain REDMOND:** It is my argument. Will you allow me to follow it?

**Mr. D'ALTON:** Yes.

**AN CEANN COMHAIRLE** at this stage took the Chair.

**Captain REDMOND:** I made that statement and it was contradicted by the Attorney-General, and the words he used were almost word for word taken from Halsbury's "The Laws of England"; but he forgot to quote some of the remarks made upon the rest of the page.

**Professor O'SULLIVAN:** I think the Deputy has been called to order and he refused to obey the ruling of the Chair. Now he goes on without any permission from the Chair.

**Captain REDMOND:** I beg respectfully for a ruling as to whether it is in order for me to discuss the status of Commander-in-Chief in this country upon this amendment.

**Professor O'SULLIVAN:** What the Deputy is doing is replying to a speech made, not on this amendment, but that was made some weeks ago.

**Capt. REDMOND:** On the point of order, may I say this is the first opportunity I have had to reply to it, and I am entitled to reply to it.

**The PRESIDENT:** The Deputy is also discussing the appointment made by the Provisional Government and gazetted I think on the 12th day of July, 1922, and subsequently, I think, on the 23rd day of August, 1922, and is calling that Act unconstitutional.

**Mr. P. McKENNA:** Further, on that point of order, may I say that I think the Dáil and the country are entitled to know who is the Commander-in-Chief of the Army in this country.

**AN CEANN COMHAIRLE:** Deputy McKenna should keep to the point of order. This is a Section for the constitution of what is called the Council of Defence. The amendment is to delete the Section. The question, therefore, I take it before the Com-

mittee is whether there should be a Council of Defence.

**Capt. REDMOND:** I respectfully submit there is more in the Section than the instituting of a Council of Defence. The words "Commanded-in-Chief"—

**AN CEANN COMHAIRLE:** The principle of the Section is the constitution of the Council of Defence. Could not objection to other matters be successfully met by amendment of the Section, or by deletion of portion of the Section? If this present amendment is defeated the Section would be open for the consideration of the Committee.

**Capt. REDMOND:** I submit, on an amendment to delete a Section, a Deputy has the right of discussing the whole Section and giving reasons as to why it should be deleted; and whether one is replying to previous speeches or not I do not think that that enters into the consideration.

**Mr. JOHNSON:** May I submit that so far as the Deputy has gone he has only reached objection to sub-section (2). I take it it is quite likely he will add to his objection to the Section by criticising other sub-sections, and therefore he is entitled to discuss the merits of sub-section (2) and all it contains within it.

**AN CEANN COMHAIRLE:** I will hear the Deputy myself.

**Capt. REDMOND:** I will be as brief as I possibly can, but I feel I am bound to reply to the Attorney-General upon this point. The Attorney-General contradicted my statement that the King was Commander-in-Chief. He said that previous English Kings were Commanders-in-Chief, but the office had been delegated to an officer, and that in the year 1904 that office had been abolished; at the time, I believe, it was held by Earl Roberts. Nobody denies that that office was abolished, and if the office was abolished what I say is that it reverted to the Sovereign and is provided in our Constitution to-day in Article 51 where it is stated that the Executive Authority of the Saorstát is vested in the King and where

it is expressly laid down to that effect I maintain that the supreme command of the Army in the Saorstát to-day is also vested in the King.

On the occasion of the Second Reading I mentioned the fact that if there was an army at all it was the King's army, and that fact was not contradicted. I still say it is the King's army, just as much as the Attorney-General is the King's Counsel, and just as much as the President and other members of the Executive are the King's Ministers. Now this may seem to some Deputies as beside the point, but it is not, and for this reason, that according to our own Act—an Act passed by the Oireachtas, namely, the Defence Forces (Temporary Provisions) Act, 1923 (Part 1, Section IV.), actually bears out the position that I have outlined. It is stated in this Section that it shall be lawful for the Executive Council to raise and maintain an arme' force consisting of such number of officers, and it goes on, in Section V., to state: "The Commander-in-Chief and all the executive and administrative powers shall be vested in the Executive Council." According to Article 51 of the Constitution, the Executive Council is a Council consisting of a President and other members to aid and advise the King in the government of this country, and therefore I come back again to my original proposition that the Commander-in-Chief of the Army is vested in the King. When I say vested in the King I say that not in any derogatory sense, because I am as proud to have borne the King's Commission as, I am sure, the Attorney-General is proud to be the holder of the King's warrant.

**AN CEANN COMHAIRLE:** The Deputy is now travelling outside the amendment.

**Captain REDMOND:** I challenge the Attorney-General and the Government to give one instance where the Commander-in-Chief or even an officer with a lower designation is also a Minister and head of a Department which controls the Army anywhere throughout the British Empire—I might even say the world. When Earl Roberts was Commander-in-Chief, was he the Minis-

[Captain Redmond.]

ter in the British House of Commons responsible for the Army? Was he the Minister for War in the British Government? Nothing of the kind. I suppose it is because it was not the case elsewhere that we are anxious to make it so here.

This Section, to my mind, is the most, if not the only, obnoxious Section in the whole Bill. It proposes virtually to set up a Council of Defence responsible to a gentleman who shall be styled Commander-in-Chief—a sort of Dr. Jekyll and Mr. Hyde arrangement—a person who may be Commander-in-Chief one moment outside, and Minister for Defence the next moment inside the Dáil. Such a proposal, I say, would not, and never has been, tolerated in any of the Dominions of the King. And there has been no reason put forward so far for this proposal.

Is it that the civil authorities in this country are not to be the masters? Is it that the army, if there is an army, or if there is to be a standing army, is not to be placed permanently under the supervision and control of the civil and not the military authorities? If that is so, what other reasons govern the course which has been taken. I hope, and we all hope, that very shortly we will be able to diminish the army. If possible it would be well if we could adopt the Canadian system, as we have in so many other respects adopted it, namely, have a force of militia or territorials, and not a standing army at all. I say that the bringing in of this proposal in this measure is a very sinister way of enabling the military of to-day to lay the flattering unction to their souls that they will be rulers both of to-day and of to-morrow. I think that it is a bad precedent, therefore, for the future civil government and control of this country, and in making these few remarks I want it to be understood that they are in no way derogatory to the army, because the principle that I am in favour of having applied to our army in Ireland is equally applied to the British army in England, and to every other force throughout the King's Dominions. I believe that if this Section were dropped, and if this, I might almost call it, military policy were not persisted in, that it would give great

reassurance and great confidence to the civilian population of this country and show them that the Government are determined that it is to be a civilian and not a military regime which shall rule the future of this land.

**Major COOPER:** I do not propose to address myself to the question of the Commander-in-Chief. I have an amendment on the subject later on, on the paper, and it was my personal feeling that you, A Chinn Chomhairle, should have ruled both Deputy Figgis and Deputy Redmond out of order for skimming all the cream off my milk. There was one passage in the speech of the Minister for Defence which caused me to feel considerable apprehension, and that was when he said that the head of the Department of the Ministry of Defence would be head of the Army Council, and in time of war would be Commander-in-Chief in the field. I hope that is not the considered policy of the Minister for Defence or of the Executive Council. It suggests what happened to the British in 1914. They had no adequate arrangements, no efficient general staff, and no experienced Adjutant-General when they muddled into the Dardanelles. The whole thing was muddled. Artillery were converted into cavalry, and cavalry were transferred to the infantry. It was exactly the same in the Quartermaster-General's Department; everything was in a state of confusion. Is that the policy to be adopted here? The Minister for Defence is to sit here and be responsible to the Dáil or a Parliamentary Secretary acting for him, and the three military members of the Council of Defence are to take the field. I thought that reference in the Minister's speech was merely an *obiter dictum* and not an indication of his considered policy, and I do hope that he will give a little further consideration to this matter in the light of experience elsewhere and by the light of such experience will alter his present attitude.

**ATTORNEY-GENERAL:** As Deputy Redmond is in the House it will not be five days before he hears any observations that I have to make with reference to his remarks. I regret that comments upon the admitted sources of



argument should be considered by Deputy Redmond as personalities. The matter he put forward here on the second reading of this Bill was in his own words gleaned from what he called his little experience in the British Army. If the complaint that that experience had not been sufficiently educative is to be regarded as personality or to be called personality then I must plead guilty to personalities, but I think it is quite legitimate and far from impertinence to state that even experience, whether it be on the battle-field or in barrack, may not be quite as informing or educative as other sources of information which are available to the soldier as well as to the civilian and more particularly when that civilian purports also to have a legal training which should place at his command a certain volume of knowledge which he might not have otherwise so easily accessible during the time, that he referred to himself, as his little military experience.

Now I take it that the patriotic speech that we heard from Deputy Redmond will be recognised as his last patriotic speech has been, as material upon which certain broad-sheets built up their futile polemics. I shall look forward with interest to the coming weeks products of that particular Press and I know that I shall find Deputy Redmond the hero of that particular type and clique in this country.

**Captain REDMOND:** Who does the Attorney-General refer to? Will the Attorney-General kindly say who are the persons that form this particular clique to which he refers?

**ATTORNEY-GENERAL:** The Deputy will not have to go far from the haunts of the people in the centre of the city, not far perhaps out of his own path to find the headquarters of the clique to which I refer.

**Captain REDMOND:** That is not an answer.

**ATTORNEY-GENERAL:** Deputy Redmond says this provision for the Council of Defence presupposes a Standing Army. I say nothing but ignorance could produce such a state-

ment. In several of the Dominions where there are not standing armies, there are Councils of Defence, existing by Statute, even in Dominions where the minimum army establishment is maintained, where the militia and territorial system that one has heard advocated, is the system that is established—even in those Dominions provisions are made for an Army Council for the administration of matters connected with the Army and the Department of Defence. There is, I understand, a learned work called "Halsbury's Laws of England." I do not think you will find—and I should not have sought there—material appropriate to a discussion upon the Constitutional status of a Council of Defence, whether in this country or in the various Dominions.

**Captain REDMOND:** Commander-in-Chief.

**ATTORNEY-GENERAL:** Nor with reference to the office of Commander-in-Chief. Deputy Redmond is apparently unaware, because his studies have not carried him, perhaps, to that page of a rather large book, that in none of the Dominions is the office of Commander-in-Chief held by the King—in not one of them. Perhaps another piece of enlightenment, if only a reminder to Deputy Redmond, is this, that the office of Secretary of State for War in England—I mention this by way of correction—was actually held, I think in Deputy Redmond's recollection, by a soldier—the late Lord Kitchener.

**Captain REDMOND:** Was that during peace or war?

**The PRESIDENT:** The Deputy knows perfectly well whether it was or not.

**Captain REDMOND:** I do, sir.

**ATTORNEY-GENERAL:** The Crown should not be dragged unnecessarily into the discussion. The Crown, as was explained during the long Constitutional debates here, is in this Constitution of ours in an impersonal capacity. I do not propose to engage in any heated discussion as to the King or the

[Attorney-General.]

King's person, as the Deputy appears to be anxious.

**Captain REDMOND:** I must really interrupt the Attorney-General. I have never mentioned the King's person. I will not allow that statement to go.

**ATTORNEY-GENERAL:** This provision of the Bill is simply for the organisation of the civil administrative side of the army. When the question of responsibility is raised, sight is lost of the preliminary clause in the Section, which provides for the establishment of this Council, without derogating from the responsibility of the Minister for Defence to the Executive Council and to the Oireachtas—which, as a matter of fact, I think should read “to the Dáil.”

If there is any suggestive gap between that and Sub-section 6, the matter can be very easily set right. I am sure no one on these Benches will object if, after the word “responsible” in the second line of Sub-section 6, the words “to the Minister for Defence” be introduced. It is the clear sense of the clause. It is the clear intention and meaning. Notwithstanding the sinister recollections and dire fears of Deputy Figgis, there is no question as to where the responsibility of this Council lies, and to whom. This Council of Defence, which has attracted to it a certain amount of perhaps unusual feeling, is really a very simple matter. In all the other Departments which we have taken over you have an organised Civil Service, Departments organised to a large extent on a statutory basis. We are now creating, for the first time, and organising for the first time, a Department of Defence. It has been found in many countries a useful and important thing to have a Council of Defence consisting of the heads of the main sections of the military arm, associated with civilians, as is proposed here; and it does surprise one that the association of the military organisation with those who are responsible in civil capacities calls forth an attack which rather indicates apprehension of some form of militarism, when, in point of fact, the obvious intention and purport of these

provisions is quite the opposite. The matter, Sir, is a simple one. It comes here naturally when the Department is for the first time being organised. It makes clear the responsibility and it sets up a check on finance in the person of a civil member. In that connection, I may perhaps be permitted to call attention to the fact that there is an amendment upon the Paper which makes it not necessary to have as a permanent institution a Parliamentary Secretary to the Minister for Defence.

**The PRESIDENT:** While Deputy Redmond may possibly boast a longer time in public life than many members here, and while many members here may possibly boast a longer time in public life than I have spent in it, I do not think, in all the experience that I have had of public life, that I have ever listened to a more mischievous and more mischief-making statement than that made by Deputy Redmond this evening. I say that the pity of it is that it was deliberately mischief-making, and that it is not certainly in the interests of himself or his late Party or his late friends or any friends of this country that a statement like that should have been made here. It is no thanks whatever to the Deputy that after a hard struggle we made friends with our late enemy in this country. In the making of that friendship there was a good deal of give and take on both sides.

Perhaps at a particular time it was not with good-will that there was give and take on both sides. But in view of the Constitution passed here by the late Dáil and the rights that are guaranteed to the people of this country, by reason of that Constitution, I think it is not in the power of any genius—lawyer or otherwise—to indict the Ministry of this country, the people of this country, or the army of this country, with any derogation of status or any giving up of the rights and the privileges of a free people. The very first Article of the Constitution placed beyond all doubt what our position is, and the second Article secures and places beyond any question of doubt the rights and privileges and freedom of the people of this country. I say that it was with the purpose of

deliberately misleading the people of this country and of giving the enemies of peace in this country an opportunity for attacking the Oireachtas, that the statement was made by Deputy Redmond this evening. Every single syllable of every agreement that we made with the British I will carry out in the spirit and the letter; but I will not accept from any person the insult that we have given away anything—

**Captain REDMOND:** I must interrupt the President. By way of personal explanation, will you allow me to say that I never ventured to suggest an insult to him or his Ministry, or even this country, by the insinuation that we had given away anything. What he has got now is what I always wanted—Dominion self-government.

**The PRESIDENT:** I stated during the course of the Deputy's speech on two occasions that the people's representatives had appointed a Commander-in-Chief. Had they the right to do it? The Deputy says we had not—that the right was vested in somebody else. Why does the Deputy state that? Because he thinks it is going to insult us, because he thinks it will give joy to the people who have tried to wreck this country. We have a right to appoint a Commander-in-Chief. We have asserted that right. That right has not been disputed, and we are going to maintain it. We have asserted the right of the people over any army officers. It has been accepted by the army officers. We are going to maintain it. We may be wrong in the manner in which we set up the machine to exercise that authority, but we have done it to the best of our judgment, and having regard to our experience. From our experience, also, the machinery that we set up here is machinery to see that there will be civil control over the army. I do not know that there is any officer of the army worthy to wear the uniform he is wearing who will dispute that right of the representatives of the people to control the army and control every service there is in the country.

**Captain REDMOND:** Mr. Speaker, I cannot allow the President's remarks

to pass—

**Mr. BLYTHE:** Is the official designation of the Ceann Comhairle not "Ceann Comhairle"?

**AN CEANN COMHAIRLE:** It is.

**Captain REDMOND:** I cannot let the President's remarks pass without making an observation or two. He accused me of mischief-making in regard to the statements I made concerning the status of Commander-in-Chief. I am afraid that I will not be able to disabuse his mind in that direction if he has already so made it up. I can only assure both him and the House that it was the last thing that occurred to me. But what I wanted to show, and what, I think, I have shown, is that according to our Constitution—a Constitution which I thoroughly admire and which I whole-heartedly support—the Command-in-Chief of any Forces in this country is vested in the King.

**DEPUTIES:** No, no.

**AN CEANN COMHAIRLE:** Order!

**Captain REDMOND:** I was not mischief-making. That is my point.

**AN CEANN COMHAIRLE:** I take it the Deputy's point, which I have been endeavouring to grasp since he first spoke, is that the provision in Sub-section 2 of Section 8, which mentions the Minister for Defence under the style of Commander-in-Chief, contravenes the Constitution. Is that the exact contention?

**Captain REDMOND:** Yes.

**AN CEANN COMHAIRLE:** Well, the Defence Forces (Temporary Provisions) Act, which was passed on the 3rd August, 1923, and which is valid now and until the 3rd August, 1924, states (Section 5):

The Command-in-Chief of and all Executive and Administrative powers in relation to the Forces, including the power to delegate authority to such person as may be thought fit, shall be vested in the Executive Council—

I would draw attention to the word "vested"—

and exercised through and in the

[An Ceann Comhairle.]

name of the Minister, who shall not, however, allocate to himself any Executive Military Command and who may not be a member of the Forces on full pay.

Under Part 4 of the Act, Section 236, it is set out:

The Command-in-Chief of and all Executive and Administrative powers in relation to the National Forces (including the power to delegate authority to such persons as may be thought fit) shall be vested in the Executive Council and exercised through and in the name of the Minister.

Here in the Dáil we are bound by the Acts of the Oireachtas. When a matter has been settled by Statute it cannot be questioned. If a point is made that something which has been passed in an Act of the Oireachtas contravenes the Constitution that point must be made before the Court which the Constitution, in Article 65, provides for the purpose of deciding upon the validity of any law having regard to the provisions of the Constitution. It would not be for me to decide whether a particular matter was in order on a question being raised that it contravened the Constitution. In this case, we have actually a Statute which states that the Command-in-Chief is vested in the Executive Council. That, I think, prevents the Deputy from making the point that it is not vested in the Executive Council, and if his point is that the Constitution is contrary to the Act, then that point must be brought elsewhere; it cannot be pleaded here.

**Captain REDMOND:** Perhaps I may be allowed to say that before you, Sir, came in, I actually quoted Section 5 of this Act, and I never suggested that the Command-in-Chief was not vested in the Executive Council. On the contrary, I say it is, of course, according to this Act.

**AN CEANN COMHAIRLE:** That is what we are bound by. We are bound by our own Acts, and if the Command-in-Chief is vested in the Executive Council by Act, then the Command-in-Chief is vested in the Executive

Council. If any point is to be made against that, it must be made in another place and in another way—

**Captain REDMOND:** Perhaps I may be allowed—

**DEPUTIES:** Chair!

**AN CEANN COMHAIRLE:** I have given the Deputy great liberty—

**Captain REDMOND:** Perhaps I may—

**AN CEANN COMHAIRLE:** Order! I will not allow Deputy Redmond to speak when I rise. His experience elsewhere should, perhaps, teach him that. I allowed him to speak on this matter for 24 minutes, simply because I did not want to prevent him from expressing anything he wanted to express. The time allowed by the Standing Orders is 10 minutes. I will not allow the point to be raised again.

**Captain REDMOND:** I will not raise that point again, with due deference to your ruling. But I do 6 o'clock. think that the President's characterisation of my speech as mischievous is rather unfair, because if there is one thing above all others I do not want to do—and I can say it with absolute candour—it is to imperil in any way the fortunes of this country in the new State in which we have found ourselves. As far as the Constitution is concerned, which the President referred to, I am a complete subscriber to that Constitution. I believe it is, perhaps, the widest Constitution any country could desire, and as one who never advocated anything but a large measure of Dominion Self-Government, such as we are now enjoying, I think I am entitled at any rate to say—as one who never was a Republican, but was always in favour of the present Constitution, which we are now enjoying—that nothing I said was in any way derogatory to that Constitution. Now, Sir, I do not want to occupy any more of your time—

**DEPUTIES:** Hear, hear.

**Captain REDMOND:** If you do not want to hear me, you can go outside.

**AN CEANN COMHAIRLE:** I will protect the Deputy, if he addresses me.

**Captain REDMOND:** He will not require protection in that respect. I do want to disabuse the mind, if possible, of the President. I do not mind so much about some of his supporters.

**Mr. P. HUGHES:** A Chinn Chomhairle, is this House to be insulted? Are you going to see that the people on these Benches are not insulted by Deputy Redmond when he says that he does not mind whether or not he insults people on these Benches? On a point of order I say it is disgraceful.

**AN CEANN COMHAIRLE:** I do not remember hearing Deputy Redmond saying that he did not mind insulting the people on those Benches.

**Mr. HUGHES:** That is what he did say.

**Captain REDMOND:** I beg your pardon; I never used the word "insulting." Withdraw it.

**AN CEANN COMHAIRLE:** I understood the Deputy to say that he desired to disabuse the mind of the President of certain ideas, and was not so much concerned about disabusing the mind of certain other persons of those ideas. Is that correct?

**Captain REDMOND:** Quite.

**AN CEANN COMHAIRLE:** That is not insulting.

**Mr. HUGHES:** I think the words the Deputy used were that he did not mind the persons sitting behind the President.

**AN CEANN COMHAIRLE:** Deputy Hughes will have to take my recollection of the matter.

**Mr. HUGHES:** I bow to your ruling.

**Captain REDMOND:** I leave the matter there.

**Mr. MILROY:** I was not in for the full speech made by Deputy Redmond, and I am not sure whether he is supporting or opposing this amendment. I arrived here when he had got into the full stride of his exhortation regarding the British Monarchy.

**AN CEANN COMHAIRLE:** Did

Deputy Milroy hear my ruling on this question?

**Mr. MILROY:** I did not.

**AN CEANN COMHAIRLE:** Then perhaps he will let somebody else speak and inquire about that ruling before he makes his speech.

**Mr. MILROY:** I would like to be informed in regard to that ruling.

**Mr. MCCARTHY:** If Deputy Redmond spoke for 20 minutes about the King's Army, surely Deputy Milroy is entitled to reply?

**AN CEANN COMHAIRLE:** I am not desirous of preventing Deputy Milroy from speaking so long as he is in order. I only wanted to know whether he heard the ruling in regard to the question of the Commander-in-Chief of the Army, and in whom it is vested.

**Mr. MILROY:** I have no intention of raising the point.

**AN CEANN COMHAIRLE:** I am very pleased.

**Mr. MILROY:** I have no intention of discussing the matter of the Commander-in-Chief, because I am quite satisfied that position is satisfactorily filled. While Deputy Redmond was speaking, some lines of poetry occurred to me, which I am sure he will recollect. They are:—

"The boy stood on the burning deck,  
Whence all but he had fled."

I thought it was singular that amongst all our deliberations, where the King has been the King to whom Deputy Redmond protested his goodwill, it never troubled us in the slightest degree. Why he should be unduly obtruded upon us now I fail to see. I do not know whether Deputy Redmond has much knowledge of a place now temporarily described as Northern Ireland—

**Mr. DARRELL FIGGIS:** On a point of order, as the person responsible for the amendment, may I ask if this is relevant?

**AN CEANN COMHAIRLE:** I am waiting for the end of the sentence.

**Mr. MILROY:** Deputy Figgis need not be in the slightest degree apprehensive that I am going to ignore him. In due course his time will come. I said I was not quite certain whether Deputy Redmond's knowledge extends to a place called Northern Ireland. I happened to be elected to that Partition Parliament, for the creation of which his party had a good deal of responsibility.

**Captain REDMOND:** Question:

**AN CEANN COMHAIRLE:** Deputy Milroy is not at all making himself relevant to the amendment.

**Mr. MILROY:** On a point of order

**AN CEANN COMHAIRLE:** Deputy Milroy will have to accept my view of what order is.

**Mr. MILROY:** I have no intention of questioning it.

**AN CEANN COMHAIRLE:** Unless the Deputy can begin to be in order now, he must stop speaking.

**Mr. MILROY:** I am doing my best. Let me say, with all due respect, that there is hardly a sentence I have uttered that has not been broken into before I was half way through, and it is impossible to address oneself coherently to the Assembly in a matter of this sort if such continuous interruptions are allowed. If the point I wish to make is not relevant to the discussion, I will not press it. It is this: There were 800 national soldiers who applied to be registered as voters in Derry City, and the tribunal before whom they appeared decided against the application, on the ground that they were not soldiers of the King's army. I leave it at that, and I come now to the Deputy who was apprehensive that I was going to ignore him while I was devoting all my attention to Deputy Redmond. I believe the Deputy who proposes the amendment to delete this Section is Deputy Darrell Figgis. To delete this Section is practically a proposal to delete the army. There are many people in this country who would, I am sure, be glad to delete the army. There was a time when they would have been very reluctant to have

had the army deleted, and there may come a time when they will betray a similar reluctance. For instance, supposing there was an attack upon that hirsute appendage of which Deputy Figgis is so proud—

**Mr. JOHNSON:** On a point of order, allow me to say that Section 1, which has been passed, definitely agrees to the setting up of a Department of Defence, and a question of the elimination of this Section, a proposal for which I am partly responsible, does not at all attempt to go back upon Sub-section X. of Section 1.

**Mr. MILROY:** I take it the object of this Section, towards which this amendment is directed, is to create some kind of effective head of the Army which will give effective direction to the policy of the State's military arm. I should have prefaced my remarks with this: I take it one of the objections to the Section is the appointment of a Parliamentary Secretary to the Council of Defence. That seems to me to give the Dáil added control over the army. In previous debates I have heard it urged it was quite the reverse. If certain proposals were put forward by the military members of this Council of Defence, a Parliamentary Secretary attending could decline to agree with them and say that he would have to put the matter before the Dáil before assent could be given to them. I do not know what precisely will be gained by the deletion of this Section, or what precisely is the objective of those who support the amendment, unless it be to prevent the State securing an effective military force, coherent in its control and its guidance. I will not raise the matter in reference to which your ruling was given. I regret your ruling has been such, because certain arguments have been put forward which your ruling prevents any attempts to rebut. I do not intend to contravene that ruling.

The arguments I have heard in support of this amendment have not in any way convinced me that anything would be gained by the acceptance of it; possibly very much danger would ensue to the State by its acceptance.

**Mr. DARRELL FIGGIS:** Since I

first raised this amendment, we have certainly travelled a very long way. Permit me to express my regret that it should have travelled a good deal of the ground that has been travelled. I do not touch upon that now. I come back to where I was when I raised the proposal that this Section should be deleted. Deputy Milroy says he fails to understand what purpose will be achieved if this deletion be carried. Supposing Section 8 of this Bill does not form part of this Bill, what happens? The army remains the army. The Minister for Defence remains the Minister for Defence. The Ministry of Defence remains the Ministry of Defence. And that Minister in his Ministry may to-morrow, if he so wishes, for his better guidance, create a Council of Defence, without anybody to say him nay. It has been said that a Council of Defence has not been brought into a Bill styled a Ministerial Bill and so given semi-ministerial rank. That is the gain. The Minister does not require this Bill to give him power to create such a Council. It does require this Bill to create such a Ministry, but not to create a Council of Defence. There is certainly nothing to stop him doing it, but by bringing it in and enjoining upon him to do it, in a statutory provision in a Ministerial Bill for creation primarily of Ministries, that Council of Defence is given a semi-ministerial rank in the State, and that is a very deplorable thing to do. I do not criticise the Sub-section as a Sub-section. I criticise the Sub-section because I believe that Sub-section 6 has revealed the minds of those who drafted that Section. It was there stated that the Council of Defence shall be collectively responsible. I asked to whom the Council of Defence should be collectively responsible. The Minister for Defence made answer which left me in extreme wonder; a wonder that was only enhanced when the answer was repeated in so many words again, by the Attorney-General, who said the Council of Defence will be collectively responsible to the Minister for Defence. Let us go back to Sub-section 2. The Council of Defence "shall consist of the following members, namely, the Minister for Defence; who, under the

title of Commander-in-Chief, shall be Chairman of the Council of Defence. . . ." So the Council of Defence, of whom the Minister is one, is to be responsible to the Minister who for that purpose is stepping outside the Council of Defence presumably. In other words, the Commander-in-Chief is to be responsible to himself as the Minister for Defence. That might be thought to involve an absurdity, that he should in one capacity be responsible to himself in some other capacity. Let us examine that absurdity and see where it lands us. If the Minister for Defence, as Commander-in-Chief, is to be responsible to himself as Minister for Defence, then there is a distinction between the Commander-in-Chief and his ministerial position, although this Act of the State has stated that the Commander-in-Chief is the Minister plus certain other Ministers.

**Mr. MILROY:** On a point of Order, I understood your ruling was that the question of the Commander-in-Chief could not arise again. I bowed to your ruling, but I now—

**AN CEANN COMHAIRLE:** I am afraid Deputy Milroy did not get the whole of my ruling.

**Mr. MILROY:** I am sorry I did not.

**Mr. DARRELL FIGGIS:** That is the point I raise, and I urge that the matter is of very great importance. The Attorney-General has said here what is perfectly correct and what we all recognise to be true. It is a fact that in the Dominions and in this Free State there are Councils of Defence set up. In the greater number of the Dominions I believe such Councils of Defence exist. It is perfectly true that they are set up by Statute in certain of the Dominions, but not in all. They are not set up in a statute that is called "The Ministers and Secretaries Bill." That is my point. The reason why I think this should be eliminated is because it has no place in a Bill of this character. The Attorney-General drew attention to the fact that the first clause did assert positively that the Council of Defence should be under the responsibility of the Minister for Defence, of the Executive Council and

[Mr. Darrell Figgis.] Oireachtas (presumably the Dáil, as he suggested), respectively. I am opposed even to the inclusion of the first paragraph of this section because I do not desire to see in any Bill of this nature mention of a Military Council. But if it were to be left at that first paragraph, a good many of my objections would disappear. It is obvious in the Section as it stands, embodying seven sub-sections, that sections two to seven are in many of their features contradictory to the provision set out in sub-section one. They are contrary also to the earlier enactments of this State. The chief reason which I emphasise, because it is the essential of the case, apart from everything else that has been said, is that there is nothing whatever to stop the Minister from creating a Council of Defence. If this section be deleted, the Minister, the Army, and the Ministry remain, and the power to create a Council of Defence remains.

All that will have been saved, if this Section be deleted, is the creation of a Council of Defence under a Bill entitled "The Ministers Bill," or the giving to it of a semi-Ministerial rank which is not consonant with the place of any Council of Defence in a properly organised State subject to the civil power.

**Mr. JOHNSON:** I have listened carefully, in the hope of hearing some reason stated for the inclusion of this Section in the Bill. The Minister for Defence said it was most advisable that this Council be brought together in a statutory way. Now, I am sure the Minister believes it is most advisable, but I think it is due to the Dáil that they should be given the grounds for his belief that it is most advisable, that the Dáil should also be persuaded that it is advisable; but we have had no reasons adduced to us for the inclusion of this Section constituting the Council, in the manner in which it is constituted, to assist the Minister for Defence, thereby distinguishing this Ministry from other Ministries. I hope we shall be acquainted with the reasons which make it most advisable. The Attorney-General says it was simply an organisa-

tion of the civil administration end of the Army. Again I want to know why insert that in the Bill? We are told, I think, by the President that it is because in this case a new Ministry is being set up, and that in the case of the other Ministries they are already existing Departments. Hence the reason for inserting this Section in the Bill. But I do not think that can be a reason.

I think the President does not recall the position. It is true, no doubt, that there was a Department dealing with Agriculture and a Department dealing with the administration of Justice. It might also be said, but not quite with the same force, that there was a Finance Department, though I think I have heard it stated, when trying to persuade the Dáil in another direction, that an entirely new Department had to be set up for Finance. But, I ask, will it be contended that there was no Department for External Affairs or anything approximating to a Department for External Affairs. Yet, under Sections I and II, we set up a Department of External Affairs, but we do not, as a matter of fact, indicate in subsequent Sections how that Department shall be constituted, whether the Minister in charge of External Affairs shall have an Advisory Council or not. As a matter of fact, the organisation of the Department is left to Ministerial responsibility in that case. Now, some reason must be adduced, more than has been given, for treating the Ministry of Defence in a different way from that, let us say, of the Ministry of External Affairs. Deputy Milroy has left again. He does not intend to follow the discussion subsequent, as he did not follow it prior to his intervention. I was going to draw his attention to the fact that his reference to Parliamentary Secretaries was not appropriate, inasmuch as there is nothing in the Bill yet to indicate that Parliamentary Secretaries are responsible to the Dáil. They are responsible only so far to the Ministry.

I want to direct attention further to Sub-Section 6 which Deputy Figgis, who also has gone, dealt with. The Sub-Section says that the Council of Defence shall meet as a collective body. How it could do otherwise, I do not know, but the Section says it shall meet



and act as a collective body, and shall be "collectively responsible for all matters entrusted to it in its collective capacity, whether by any Act of the Oireachtas or otherwise." It is contemplated in this Section that there shall be entrusted to the Council and not to the Ministry or to the Minister, but to the Council of Defence set up under this section, certain responsibilities by Act of the Oireachtas. I maintain that that is not the same as setting up an administrative organisation within the Ministry as is done in other Ministries. It is contemplated here that the Council of Defence shall be nominated as a body to whom will be entrusted responsibilities directly by Acts of the Oireachtas. If that is not creating a distinction between this Ministry and other Ministries I do not know what it is.

I hope some satisfaction will be given to the Dáil as to the meaning of that, and perhaps while on that the Attorney-General or the Minister for Defence will enlighten us as to what is meant by the words "or otherwise." I submit that no case has been made for the inclusion of this Section. The Bill would serve all the necessities covering the Department of Defence without the Section. The Minister has been granted powers to act with the Executive Council, which is responsible to the Dáil for the organisation of his Department, and I think it is unwise of the Dáil, notwithstanding the assurances given, that the Army shall be under the control of the civil authority. I fear that the inclusion of this Section defeats the purpose in view. One may ask is there any fear that without this Section the Army would not be under the control of the civil authority. I think that both the Minister for Defence and the President have stated fully and clearly that there is no such fear. Then I say there is no case, even from the arguments adduced from the Ministerial benches, in favour of the inclusion of this Section.

**ATTORNEY-GENERAL:** I desire to say a word on a point which Deputy Johnson has referred to. The Deputy referred to the words in Sub-Section 6 "Entrusted to the Council whether by any Act of the Oireachtas or otherwise." That is intended to cover the

two methods of entrusting; the one may be either directly by specific Statute, as, for instance, when a permanent Defence Forces Act is passed hereafter. There would be certain things which would be definitely within the duty of the Council of Defence, or there may be other matters referred by other Statutes directly and specifically to the Council of Defence. The word "otherwise" would refer, for instance, to the indirect delegation or direction rather of the discharge of certain functions, and the performance of certain duties by the Minister himself as Chairman and head of the Council of Defence, and responsible for it to the Executive. The meaning of "collective responsibility," notwithstanding the play of Deputy Figgis is, I think, fairly clear. The Commander-in-Chief is *ex-officio* the Chairman of this Council, and through him that Council is responsible to the Executive Council.

The Act to which reference has been made, the Defence Forces Act, is a temporary Act and opportunity was taken then in order to enable things to be carried on until this Bill should be in a position to be laid before the Dáil so as to make temporary provision in that temporary Act for the setting up of a Defence Council. Now, the position of the definite organisation of the various Departments of the State has come to the point at which they must be settled on a more or less permanent basis, and this seems an appropriate time to deal with the matter in this Statute, which is not a temporary Statute.

As regards differentiation between other Departments, I may refer to the fact that in this Bill provision is made for the organisation of the various Departments under different Sections. Section 2 deals with the appointment and the number of principal officers and other officers in the various Departments, and Section XI. provides the machinery for the organisation of the various Departments. It is usual in dealing with that particular type of Department that one refers to others. A military department of this kind could deal with them in that way, but, on the other hand, a fairly established

[Attorney-General.]  
practice now is to provide by Statute for the organisation of a Council in relation to the military section of the Government.

**Mr. JOHNSON:** Was that done by the British in the formation of their Army Council?

**ATTORNEY-GENERAL:** In the case of the British Army the way it was done was this. In England the army, being directly the army of the King, the whole thing is carried out by Order in Council. I can show the Deputy the Orders in Council which were made after a certain Commission sat in the year 1904, under which all that organisation was given definite effect by specific Orders in Council, and the present organisation in England has been set up under elaborate and detailed Orders in Council. It is true that under the Constitution, the army is the army of the Parliament and of the people, and that this Parliament and this Oireachtas is the established Constitutional Government of the army as of the rest of the population. This section does not, for the first time, create Parliamentary control of the army. What it does is, it associates specifically and beyond all question the government of the army with the civil government.

**Mr. JOHNSON:** May I say this, that in speaking in favour of the deletion of this section I dissociate myself utterly and entirely from the line that was taken by Deputy Redmond in support of my motion.

**The PRESIDENT:** I take it that it is now a question of judgment as to whether or not this is the best machine for controlling the Army. The question has come to that. I must say that it is only right that we should acknowledge the fairness with which this question has been approached by Deputy Figgis, Deputy Johnson, Deputy Hewat and Deputy Bryan Cooper, who spoke on it. This is certainly a new organisation and a new Department absolutely. Foreign Affairs had, to some extent, the advantage of being assisted in the administration of its work by the Civil Service. There is not the same organi-

sation possible in the case of the Army, and we must set up an Army machine of some sort or kind. That is only reasonable. If it were only a football team which was under the control of a particular Minister, somebody on the team would have to be in touch with the Minister if he had charge of it. I do not mean any disrespect to the Army by mentioning it in that way, but we will take it that there is a body of men, twenty or thirty thousand, or, say, only five thousand, and that to that extent they have an organisation. I should say it grew during peculiar times and had to be adapted to still more peculiar times. It is now in a state of discipline and of organisation, peculiar, I suppose to some extent, to all the circumstances and all the phases that it has passed through. We want here to get established by Statute regulations under which that machine will be placed, in the first instance, under the Minister, and, in the second instance, through the Minister under the Oireachtas. The machinery that we have elaborated here in this particular Section is, to our minds, the best method of doing that.

I could have wished that the motion had not been the elimination of this Section, unless some other particular method of control or of administration were to be put in its stead. This is a new service, different altogether to any other that we are administering. I should say that if we were starting tomorrow with regard to the Ministry of Finance that it is possible you would have a separate organisation. You would consider the question of associating the various heads of particular sections under the Minister for Finance in a sort of Council to advise him. One member of that Council, say, would have his mind on administration and expenditure; another member, say, would have his eye to some extent on the question of raising taxation, and so on. At any rate it is open to the Minister at any time to organise such a machine. I do not say it would have been so easily open to him, and I am not saying that now as giving the slightest indication that I have ever heard that the Minister had any difficulty in it. It is right and proper that

in a young army we should lay down in black and white what its relations are to be to the man responsible to the Dáil, and how it should be organised. As I said before, an alternative suggestion would be much more satisfactory than a simple deletion which leaves the Minister free to organise the Department in whatever way he wishes.

**Mr. JOHNSON:** There are provisions in the Bill, as the Attorney-General pointed out, for describing the organisation of various Departments and stating what may be done. These orders would have to be laid before the Dáil, and I think that inference may be read into Sections XI. and XII.

Will the Attorney-General or the President indicate their view of Amendment No 3, which makes the position somewhat different, and gives authority to the Minister to establish such a Council to assist him, as distinct from a deliberate Act of the Dáil setting up this Council in this manner?

**Mr. DARRELL FIGGIS:** In urging the President to answer that question on the lines that Deputy Johnson would wish, I would like to say that I agree entirely with him that it is merely a question of the best way to achieve what we hope to be the best method of getting the control of the army by this Oireachtas. I would like to feel that Amendment 3 would be accepted. While still perfectly convinced that the amendment I moved was the right one, and that the reasons I gave were reasons why the amendment should be carried and the Section be deleted, I must say that much that has transpired and intervened since then has filled me with a considerable amount of distaste for all that has preceded. I would like to feel that under the circumstances it could be possible to meet half way on this. If this is pressed to a division, I will, of course, vote for my amendment, because I am sure that when the passing distaste is gone my convictions will show that this Section should not remain part of the Bill. I agree very heartily with the President that he looks at it from one point of view, that I look at it from another point of view, but that our common intention is the same, and that

is, the best method of getting proper civil control over the army of this Oireachtas.

**ATTORNEY-GENERAL:** May I point out in answer to Deputy Johnson's inquiry with reference to Amendment No. 3 that there is this difficulty. In the Council of Defence as proposed—if I may now refer to it in conjunction with an amendment that stands in my name later on—it is proposed to constitute the Council of Defence by having a civil member who may or may not be a Parliamentary Secretary to the Minister, but who must be a member of the Dáil, and whose special charge will be to watch questions of finance. It does occur to me, as a matter of great difficulty—if it be desirable, as we think it is desirable to have a civil member of that kind—to leave the organisation merely to the Minister for Defence. It is difficult to see how he can organise the machine on the lines that are indicated here in conjunction with that amendment. In the case of the other Ministries, you have the ordinary civil service lines and ruts which are as little disturbed as possible in organisation, but here you are creating this new thing. You want to be able to call on a member of the Dáil to assist in this controlling and checking capacity, and it is proposed to associate this additional civil member with the Ministry of Defence, who is, of course, a civil member himself.

**Mr. DARRELL FIGGIS:** That will mean only the addition of one extra to amendment 3, which is not yet before the Dáil. I do not think that that would present any insuperable difficulty. As there is only ten minutes intervening between now and the coming on of private business, would it not be just as well for the Attorney-General to consider this point, and in order that there might be some kind of agreement between the first three amendments, to report progress now.

**MINISTER for DEFENCE (General Mulcahy):** I do not think there could be agreement to accept the idea contained in Amendment No. 3. You have, in considering this matter, to take yourself to a long drawn-out crisis

[General Mulcahy.]

and to consider the responsibility of the Executive Council and of the Minister for Defence himself.

In reviewing plans from the military point of view, and taking any of the things that war involves for a people, the different aspects, and the strain of war on a people, you have to satisfy yourself in the organisation of the Ministry of Defence that all these are looked at from a systematic point of view. You have to see that you do not arrive in the middle of a crisis, before matters have developed, we will say, to a war point, that the policy, the thought, the mind and the interchange of ideas, were not, perhaps, haphazard. You set down in the organisation of the Ministry for Defence that the Minister for Defence shall have this Council; that it shall be selected from the people mentioned here, who in their ordinary administrative work perform the duties set out for them. That is the way of securing that the very heavy responsibility of foreseeing and foreplanning is carried out in a systematic way by people who have had systematic experience, and whose appointment to the administrative positions they hold have passed the review of the Executive Council. The important point about it is the obligation to have this Council, and it would be entirely getting away from that important point if you accepted Amendment No. 3, were you to simply say, it shall be lawful to have such a Council.

**Major COOPER:** I am inclined to agree with the Minister that the statutory obligation to have a Council of Defence is a very valuable and a very important thing. In some respects I prefer the proposal to Deputy Davin's amendment. A point that I think has not been made clear is why this particular Section is in this Bill and not in the Army Bill which we are to consider in

the future. It would seem the natural way to begin an Army Bill by creating your organisation, by laying down such and such a Department to the Chief-of-Staff, such and such a Department to the Adjutant-General; and such and such a Department to the Quarter-Master-General. Having set up your organisation in the Army Bill, you should develop down to the various duties of each branch. It seems to me that this is an excrescence on this Bill. I agree that statutory authority is absolutely necessary, but it would come better in conjunction with the rest of the Army, rather than merely with Secretaries, Ministers, and Schedules, relating to Government Departments. I should have thought that it would be sufficient to detail in the Schedule the responsibility of the Minister for Defence, and leave the rest to the Army Bill that we are bound to have, as at present these are only temporary provisions dealing with military matters.

**General MULCAHY:** The fact is the Council of Defence is the Ministry and not the Army. I have not

7 o'clock. fine feelings on the point as to whether it should be included in a Ministry Bill or an Army Bill, but it is definitely the Ministry side of the question as distinct from the Army side of the question. I would run a smaller chance, I am sure, of getting the financial member of the Defence Council and a Parliamentary Secretary in an Army Bill than I hope to have in a Ministers Bill.

**Major COOPER:** But I gather that the Minister's chance is going to be taken away from him by the Attorney-General.

Amendment put.

The Dáil divided: Tá, 19; Níl, 63.

Tá.

Seán Buitléir.  
John J. Cole.  
David Hall.  
Seamus Mac Cosgair.  
Tomás Mac Eoin.  
Risteárd Mac Fheorais.  
Pádraig Mac Fhlannchadha.  
Patrick McKenna.  
James Sproule Myles.  
Tomás de Nóglá.

Tomás O Conaill.  
Aodh O Cúlacháin.  
Liam O Daimhín.  
Eamon O Dubhghaill.  
Domhnall O Muirgheasa.  
Tadhg O Murchadha.  
William Hewat.  
Pádrig O hGáin (An Clár).  
William A. Redmond.

Níl.

Earnán Alt. n.  
Richard H. Beamish.  
Seoirse de Bhulbh.  
Próinsias Bulfin.  
Louis J. D'Alton.  
Máighréad Ní Choileáin Bean Uí  
Dhrisceóil.  
Patrick J. Egan.  
Henry J. Finlay.  
Desmond Fitzgerald.  
John Hennigan.  
Seosamh Mac 'a Bhrighde.  
Domhnall Mac Cá rthaigh.  
Maolmhuire Mac Eochadha.  
Pádraig Mac Fadáin.  
Pádraig Mac Giollagáin.  
Seán P. Mac Giobúin.  
Seán Mac Giolla 'n Ríogh.  
Eoin Mac Néill.  
Seoirse Mac Niocaill.  
Martin M. Nally.  
John T. Nolan.  
Peadar O hAodha.  
Christóir O Broin.  
Próinsias O Cathail.  
Aodh O Cinnéide.  
Seamus N. O Dóláin.  
Peadar S. O Dubhghaill.  
Pádraig O Dubhthaigh.  
Eamon S. O Dúgáin.  
Aindriú O Láimhín.  
Seamus O Leadáin.

Thomas O'Mahony.  
Pádraic O Máille.  
Risteárd O Maolchatha.  
Seamus O Murchadha.  
Seán M. O Súilleabháin.  
Andrew O'Shaughnessy.  
Seán Príomhdhail.  
Pe'rick W. Shaw.  
Liam Thrift.  
Pádraig F. Baxter.  
Earnán de Blaghd.  
Bryan R. Cooper.  
Henry Coyle.  
John Good.  
Connor Hogan.  
Alasdair Mac Cába.  
Seán MacGaraidh.  
Risteárd Mac Liam.  
Liam Mag Aonghusa.  
Mícheál O hAonghusa.  
Ailfrid O Broin.  
Nicholas Wall.  
Caoimhghín O hUigín.  
Domhnall O Mocháin.  
Fíonán O Loingsigh.  
Seán O Laidhín.  
Mícheál R. O hÍfearnáin.  
Seán O Bruadair.  
Eoghan O Dochartaigh.  
Tadhg S. O Donnabháin.  
Seán O Duinnín.  
Donchadh S. O Guaire.

Amendment declared lost.

## DAIL RESUMES.

Progress reported; Committee Stage to be resumed on December 13th.

## PRIVATE BUSINESS.

## TRANSPORT AND COMMUNICATIONS BILL—SECOND STAGE (RESUMED).

**Mr. DAVIN:** When Deputy Mahony finished speaking yesterday evening I could not escape hearing Deputy Gorey murmur: "Divide, divide." I felt that was the first indication we had in this Dáil from Deputy Gorey that there was introduced a measure as to voting for or against which Deputy Gorey could not

give any reason. I felt if the Labour Party had done nothing more than bring in a Bill upon which Deputy Gorey could not express his views it had justified its existence as a party.

**Mr. GOREY:** Do not be too sure.

**Mr. DAVIN:** It may be that the views of the Farmers' Party were expressed in this matter in the Commission when Mr. Young of Stradbally gave evidence. I come from Mr. Young's area. In the recent election, as a member of the Labour Party that had put forward this policy of nationalisation of railways as one of the main planks of its platform, I headed the poll at that election. If Deputy Gorey assumes that he is putting forward the

[Mr. Davin.]

views of the farmers of Leix and Offaly he has no right to say he is doing it on their behalf. The Labour Party polled 9,040 votes. Deputy Gorey's three nominees polled 5,400. None of them was elected, and one of them lost £100. Perhaps it is for that reason that Deputy Gorey is silent in the debate. I am sorry Deputy Figgis intervened yesterday in the debate, and prevented a member of the Government Party from giving expression to his views. I regret it, because I remember that particular member, as well as a number of other members to-day sitting on the Government benches around him, being on the hustings as advocates of a policy of railway nationalisation. I was eager for some of them to give reasons why they changed their minds in this matter. I also regret that since the introduction of this Bill, the Minister responsible for railway matters has not been present in the Dáil. May I express the hope that this is not an indication of his lack of attention to a matter as important as that contained in this Bill? Deputy Hewat said: "As a novice in political matters, it strikes me as strange that a Bill of this public importance should be introduced as a Private Bill. Whereas the Bill is brought forward by a leader of the Opposition, the attitude of the Government seems open to question. They have given us very little guidance in the matter, and it seems to me the Government are in the happy position of looking on while the Opposition exploit the proposition of how far it will go down in the country."

May I assure Deputy Hewat that so far as the Labour Party are concerned they had decided previous to the dissolution of the third Dáil to introduce a measure which it is now my pleasure to support. Therefore, so far as that is concerned, they are not the instruments of any other parties or persons in this Dáil. The measure Deputy Johnson introduced was drafted after very long and careful consideration by people who have had a long experience of railway administration in Great Britain and Ireland. I am not supporting this Bill in the interests of railway servants. Railway servants, like every other section of the trades

union movement, are only too well informed of what they might expect since the Free State Government functioned in this country. They are under no delusion as to the treatment they might expect as servants of the Free State Government. That aspect does not weigh with us. I hope that unlike what has happened in the previous division that the members of this Dáil who have thought over this matter will not be running out to the lobby when a division is called, but that they will be here to give expression by their votes to their feelings on this measure. It is too common for members to take up the time of this Dáil speaking to amendments to Bills, and when the division bell is rung, they go outside in the lobby and have not the courage to give expression to their views by voting on the matter. Nationalisation of the Irish railways is looked upon by Deputies of this Dáil as an impossible proposal. It is looked upon as a bigger question than it really is. What do we find? It may be of interest to have on record the capital of the Irish railways as returned on the 31st December, 1921.

The Irish railways had a capital upon which interest or dividend was paid amounting to £47,875,824. The number of the staff employed on the whole of the Irish railways, and I am quoting from the last record issued, was 30,511. So far as we can gather, and there is nothing on record to prove it, as no statistics have been published since the Free State Government began to function, there are only 20,000 railway employees in the Free State. What is the position with regard to the great English combines? Take the London, Midland, and Scottish Company with a capital of £398,929,175, a mileage of 6,962 miles, and a staff of 268,835. Somebody—I cannot recollect who—suggested in the debate yesterday that it would require a superman to control the Irish railways under a system of State ownership or control. May I ask the individual who made the statement where the man was found to control a staff of 268,000 as compared with 20,000 on the Free State railways? Would he not describe him as a superman?

**Mr. HEWAT:** May I explain that I am the culprit in this case. I did not say that it required a superman to manage the Irish railways, but that it would require a superman to manage the Board under which the railways are to be run.

**Mr. DAVIN:** I quoted figures to show how small a proposition it is to deal with a situation which from that point of view has been touched upon by Deputy Hewat. Since this Bill was introduced many inspired articles have been written in the daily Press with the usual statements against nationalisation. In one article it has been said that Deputy Johnson, in introducing this Bill, made no attempt to relieve the minds of traders and travellers of the scepticism which State management during the war had sown in their minds. Deputy Hewat lent himself to the same kind of arguments when he stated: "In connection with railways we have had some experience of Government control. During the war it was considered necessary that the Government should take control of the railways, and, speaking as a commercial man, I do not think that the result of that experience has convinced many traders that they are going to benefit by the change." One could understand articles in the Press, although inspired, written by people who do not understand the situation, but I am surprised at Deputy Hewat, who has some knowledge of railway work, associating himself with statements of that kind. It is the usual argument put forward to try and mislead people, that the system of British Government control was anything like what might be expected under a proper system of State management. What was the system of State control in the European War? A Board was appointed of five or six of the principal Irish railway managers, with the Under-Secretary as the nominal head. I challenge the Government, if they are prepared to answer this aspect of the case, to produce the minutes of the Railway Executive meetings to show how many times the nominee of the British Government attended. That will show, to some extent, the interest and supervision exercised

by the British Government in the control of Irish railways during that period. The railways were placed in the hands of five or six managers with the directors lurking in the background to see if any manager appointed by themselves would do anything against the interests of the railway company with which they were associated.

You can imagine the position of railway managers, many of whom, and perhaps all of whom, are experienced men, taking up a certain attitude in the interests of the British Government which would be opposed to the policy of the Board with which they were associated. I can imagine such men at the termination of control period finding themselves in the ranks of the unemployed. The railways were taken over by the British Government under the very wide contract that they were guaranteed the nett receipts for the year 1913. Referring to that aspect of the case, it has been stated that perhaps that is not a fair test, for the State was not really in control during the war but was under the dictatorship of the trades unions.

I can assure the Dáil that if the trade unions or the representatives of the railway workers had any share in the Management Committee that was set up under the system of British Governmental control many of the abuses which went on during that period would not have been allowed without being exposed. It is fairly well known that the agreement, so far as it existed, between the Government and the railway companies was interpreted in a manner that made the taxpayers of this country suffer to an extent that they should not have suffered if those who were in control exercised that control on behalf of the taxpayers. I will give you a case in point. Assuming that two hundred railway waggons and six engines were built in a certain railway works during the year 1913, that agreement could be interpreted, and perhaps was interpreted so, that although these waggons and engines were not built during the years of control, that railway company, under the very wide terms of the contract, was paid for the building of these waggons and engines, not alone the amount paid in the year 1913

[Mr. Davin.]

but the additional cost of labour and material for the building of waggons and engines which were really never put into stock. Does Deputy Hewat or any other Deputy contend that if the railway workers, or the Trades Unions, had a share in the Committee of Management such a system as that, and the robbing of the taxpayers in that way, would have been tolerated?

In England the Workers' War Emergency Committee, which was an advisory body of the Labour Party, associated with the conduct of the war, suggested to the British railway companies that for the purpose of saving money and keeping prices down railway waggons should be pooled. They made that suggestion to the Government and the Government referred them to the Railway Companies' Managers and the suggestion, which was a very useful one and would have saved especially a rise on coal prices at the time, was ignored and turned down. It is well known, and it is known to Deputies here, that when traders in Dublin and elsewhere were looking for waggons to convey foodstuffs and other goods during the period of control they were told that no railway waggons were to be had, while at the same time railway waggons were lying empty in every depot.

I rely upon the statements I am making in regard to this matter, that during the whole time British Governmental control during the war both in this country and in England, was used by railway managers, with the backing of their directors, to prejudice nationalisation and State ownership in the minds of the trading and travelling public. In connection with the question of waggons, I would like to know if there is any return in the hands of the Transport Department of the Ministry of Commerce to show the number of miles which empty waggon were carried over during the period of State control. I am sure if all the records that should be available, that were at the disposal of the British Ministry during that period, were handed over, as I believe they were, to the Irish Government, they would disclose many things which even Deputy Hewat would be surprised at.

In addition to abusing the system of control in the manner in which I have stated, the railway companies were given £3,000,000 to represent what was called deferred maintenance. That was supposed to be set aside on the termination of the period of control for renewal of stores, repairs, and other matters of that kind. And, by the way, it is pretty well known, too, that the railway companies interpreted the agreement which I have referred to in a way that enabled them to renew their stores under the terms of the contract and practically to do everything for the improvement of the railways except painting the tracks. They received this £3,000,000, representing deferred maintenance. Was it set aside and used for the purpose for which it was voted? No. If you examine the reports of the shareholders' meetings last year, as reported in the Press, you will find that the £3,000,000 was used for the purpose of paying dividends to shareholders.

I hope I have given such an explanation as will remove from the mind of Deputy Hewat, and any other Deputy, that State control, as we knew it during the period of the European war, was anything like what might be expected from any proper business system of State management. I would go so far as to say that if the Government were unable, and if they are prepared to say that they are unable, to give to each member of the travelling public a better return for the money that was spent during that period, then the case for the State ownership of railways falls to the ground. Deputy Hewat, and, I think, in this matter Deputy Cooper was largely associated with him, asked the Dáil to believe that the railwaymen of this country find themselves in a peculiarly advantageous position as a result of the political forces which they were in a position to manipulate. It is information for me to know that the Irish railwayman, during the period of the European war or since 1916, had any very great political influence with the British Government when they controlled the railways. Deputy Cooper rather assumed that as a constant traveller he would be molested by railwaymen in connection



with an aspect of this Bill dealing with their civil rights.

Dealing with the question of their political influence, let us assume—and I think we will not be wrong in assuming—that the number of shareholders in the Irish railways is as large as the number of railway employees—and I think it is larger. If we are to take the arguments that were used by Ministers when they were inviting the Irish public to subscribe to the recent Loan, the men who have the money are the men who really control the machine. Therefore, if the number of railway shareholders in Ireland is greater than the number of railway employees, I take it that the political influence of the men with the money is greater than that of the railway worker, who has nothing but his life invested in the industry.

A shareholder, speaking at the Great Western Railway Company's shareholders' meeting on a recent occasion, stated:—"If we bring to bear our political influence—700,000 votes at least in this case, excluding a great many other votes of people indirectly interested—I think we can bring pressure to bear on the Government which is very desirable and which the Shareholders' Protection Association will concentrate upon. Organise: unity is certainly strength." That is the view of a railway shareholder regarding the political influence of those who have their money invested in the railways.

**Major COOPER:** Did he succeed in using it?

**Mr. DAVIN:** I put it to Deputy Hewat and Deputy Cooper that we can take the case of the Postal Servants in the Free State as a fair example, and I would be surprised to hear from any Deputy, or from anybody outside, that when members of the public go to the Post Office counter to buy stamps they are delayed to any great extent by the interference of postal servants in discussing political affairs. That may be taken as a fair example of the arguments that Deputy Cooper and Deputy Hewat are trying to persuade us with, in regard to the question of political influence.

Vol. 5.

**Major COOPER:** The postal servants do not possess the rights which you are proposing to give under this Bill.

**Mr. DAVIN:** I can tell Deputy Hewat and Deputy Cooper that the political and civil rights of railway men are not going to be surrendered at any price. I had an experience at the last election, and perhaps it is not wrong for me to relate it here. Down in my own constituency I had the experience of meeting some Civil Servants from Government Buildings working on behalf of the Cumann na nGaedheal, and in opposition to the nominees of the Labour Party, and of Deputy Gorey's Union. Was not that a political interference by Civil Servants, and one would like to know in a case of that kind whether the Civil Servants working for Cumann na nGaedheal were paid by the State at the time they were working against us. I think there is no use in labouring the point here, or asking the Dáil to agree that the present system of railway organisation is a failure. Commission after Commission has been set up by both British and Irish Governments to inquire into and report in regard to the question of railway organisation. President Cosgrave on a previous occasion stated that the Government were unable to adopt the reports of many of the Commissions appointed by himself, simply because the Commissions did not make sensible recommendations. The Commissions, as far as I know, made recommendations in accordance with the terms of reference.

If President Cosgrave in appointing these Commissions will so limit the terms of reference as to rule out questions of this kind, then he will find whether he will be able to get men to sit on these Commissions, and devise recommendations which would suit himself or the Ministry. However, Commissions which have dealt with this question of reorganisation have reported in favour of State ownership. I contend that there is no necessity in a small country like Ireland, much less in the Free State, to have 46 different registered companies with 28 separate managements, and with 170 railway directors drawing, on an average, fees of from £19,000 to £20,000. If that is the

[Mr. Davin.] contention that was put up by Deputy O'Mahony, and the representative of the Farmers' Union who gave evidence before the Railway Commission, then I think that there are very few in the Dáil who will agree with it. We are faced with the proposal that the present system is rotten, and must be got rid of; and what is the alternative? We heard it stated by Deputy O'Mahony yesterday that the Ministry had no policy with regard to this very urgent question. He made a statement on a previous occasion, but it was qualified—

**Mr. O'MAHONY:** On a point of personal explanation, what I said was that the Government had not revealed their policy.

**Mr. DAVIN:** Well, if the Ministry had not revealed their policy, even to their supporters, I hope, if a division is taken on the Bill, that those who have not heard the policy of the Government will vote in favour of the Bill. To give an example—I do not know whether it is necessary for me to do so or not—of the present wasteful system of administration, one has only to look at the town of Collooney, with three different railway companies there and three different staffs, stationmasters, signalmen, and all the other paraphernalia operating three different systems of railway administration in that town, with a population of 371. I think I need not go any further than quoting that case in support of the contention that the present system is rotten, and must be got rid of. In most countries where State ownership is in operation, and working with a considerable amount of success, the railways have been originally constructed under certain concessions and limitations laid down by different Acts of Parliament. The first railways, for instance, constructed in Prussia were built by private companies under certain concessions laid down under an Act of 1838. That Act conferred on the then Government power to acquire the railway lines at the expiration of 30 years, at a price fixed at 25 times the annual dividends for the preceding five years. It might be quite rightly said that these

are more favourable terms than we are providing in the Bill introduced here. I think Deputy Johnson has made it quite clear that so far as we are concerned as a party, we are not staking our political future on that particular clause. If the Dáil is prepared to take over the Bill and give better terms to the shareholders than the Minister for Agriculture gave the landlords who confiscated the land, then it is the responsibility of the majority of the members of the Dáil if they amend the Bill in that particular form.

With regard to the Prussian railways, a remarkable coincidence, and quite the opposite of our experience here, is that although the Prussian Parliament had powers under the terms of the Act of 1838, yet when eventually in 1873 they decided to acquire the railways for the State, they did not rely on the compulsory Act of 1838, but an agreement between the then owners and the Government was arrived at by friendly negotiation. That example, I think, might be followed by those now in control of the Irish railways; and if it was followed it would make the position of the Government in dealing with this Bill, or any other Bill of the same kind, a very easy matter. Deputy Hewat stated, strange to say, that the Bill was of a confiscatory nature. Deputy Woulfe, speaking yesterday evening, pleaded for the railway companies under the present system of organisation, and laboured to explain—which I think he should not in dealing with that aspect of the case—the insolvency of the present railway systems. If the railways are so insolvent as the Deputy would have the Dáil believe, I do not think he would object if he were a shareholder, to the Government taking them over under the terms described by Deputy Hewat as confiscation. It is, of course, well known to those who have travelled around the country; they can see it from their experience in looking out through railway carriage windows, as Deputy Woulfe said, that the thought of ultimate unification, amalgamation or nationalisation never seemed to have dawned on the people who originally constructed the various kinds of railway lines in this country. We have every system of

known railway in the country to-day, from the electric narrow gauge railway to the Mono rail, known as the Lartigue Railway, running between Listowel and Ballybunion.

Perhaps those who constructed the railways at the time were doing it, with the advice of the British Government, to make it impossible at any time in the future to arrive at a system of organisation of the railways that would be suitable to the needs of the trading community. It has been stated in the Press and elsewhere that nationalisation has been ruled out. We have had statements made in the Dáil by responsible Ministers in connection with the Government's policy regarding the future of the railways. I am not aware of any discussion in the Dáil in which it was decided that nationalisation was ruled out by the Government. If the Government is to be taken as the Ministry, then perhaps that has been the case. If the Government is to be taken as the Cumann na nGaedheal, or governing party in the Dáil, then that is not so, according to Deputy O'Mahony's statement. But, if the Government is the majority of the Dáil, which is the only place where matters of this kind should and can be decided, then railway nationalisation has neither been discussed nor ruled out according to my knowledge. On the 3rd January last we had from the Ministry the only statement which could be taken as a statement of policy. If one is to look at the Governor-General's address and observe the language used by the Governor-General, representing as he does the views of the Executive, I think it must be agreed that we are getting further back from the position which the Ministry took up on January 3rd last. The Minister read a very carefully prepared document, in which it was stated: "The Companies were definitely informed that the policy favoured by the Government was the unification of the whole railway systems under one management and the securing of the maximum economies in organisation and administration that unification rendered possible."

It goes on to say: "The larger companies on their part"—it should be

made quite clear who these were—"represented that the object desired by the Government would be better secured by a system of grouping than by complete unification. To this the Government has replied that it will keep an open mind on grouping as compared with unification, and if all the companies can agree on a grouping scheme that will secure the same degree of economy and efficiency as is to be expected through unification, without prejudicing in any way the interests of trade and industry in the Saorstát and its ports, it will give any such scheme its most serious consideration." The statement goes on to say: "From a date, early in January, the railway companies had informed the Government that they could agree upon a scheme of grouping, that the Government informed them that that scheme should be brought forward by the end of March, and failing an agreement upon a scheme which the Government could support, the Government would proceed to put their own policy into operation." We have learned very little as to what happened since that. If rumours are to be taken as correct, there has been no agreement among the Companies. I hope, however, replies will make it quite clear what Companies made that statement to the Government, and whether or not all the Companies were consulted. I previously argued in the Dáil, and I am still more convinced now that nationalisation of the railways is the only solution of the difficulty in the area particularly over which this Parliament has jurisdiction.

I have argued, and I still contend, that the solution of the railway question, in the interests of the general body of the community, is bound up very largely with the question of the settlement of the Boundary difficulty. It has been rumoured, and it is quite right that this Dáil should be informed of these rumours, in railway circles that the Northern Parliament, or whatever else you call Sir James Craig's Parliament, has favoured unification of the railway system within the Six County area as we know it and as it exists to-day. The Government will

[Mr. Davin.]

be faced with a very serious problem if that is the position. In my opinion, if the railways of the Six Counties were unified, and all the railway property in that area were unified under one management, it would add further difficulty to the solution of the Boundary problem. We do know at any rate that no matter how long it may be, or what the powers of the Belfast Parliament may be in the future, whether it operates or functions for a Parliament of Six Counties or Four Counties, even with limited powers, it will always create rivalry between the Saorstát ports and the ports of the Belfast area. Picture the position of any great Northern combine, subsidised, as we are told it may be, by a huge British corporation, and imagine the position of a Southern competing combine. That is the difficulty which I believe the Government is confronted with, and that is the position which will force the Government in the near future to take complete control of the railways operating wholly in the Free State. If the policy of the Government is unification of the railways operating wholly in the Free State, I ask the President or the Ministers what control can they exercise over railways operating on the border-line or on railways operating inside the Six County border, to prevent them diverting traffic out of its natural route? What control in any case can they claim the right to exercise in these cases? Can they override any combine of railways operating wholly in the Free State area?

The question of railway rates, both passenger and goods, is a question which should be dealt with, perhaps, more by Deputy Gorey and his party than by anybody associated with the Labour party. In dealing with this matter we realise that high railway rates not alone affect the producer, but are in all cases passed on to the consumer, who has eventually to pay. Now, it is a coincidence that in giving evidence before the Provisional Government Commission that was set up to inquire into the railways, two railway companies operating inside and

on the border of the Six Counties gave evidence, to the effect, that their revenue would not meet their working expenses. It is a strange thing, that since that evidence was given these two companies have reduced their rates to a considerable extent. How, therefore, could railway companies who have given evidence before the Railway Commission stating that the revenue would not enable them to meet working expenses, have since agreed to reduce their rates and yet prevent their systems from being closed down? There must be a subsidy in these cases coming from somewhere, and it is up to the Ministry to find out where it is coming from. The question of railway rates, so far as it affects the railways solely in the Free State area, has been dealt with on a few occasions. It is an extraordinary thing that although the railway companies operating in the Six Counties and on the border have reduced their rates there has been practically no reduction whatever in their rates by the companies operating in the Southern area, although the railwaymen's wages have been reduced by £1,500,000 as the result of an agreement that was arrived at between the railwaymen's representatives and the railway companies.

The railway companies had the further reduction of one and a half millions as a result of the reduced cost of coal and other materials. What argument or what reason has been put forward, or can be put forward, by these railways, especially in the Southern areas, for not having reduced their rates, particularly in view of the facts I have stated? The real fact is that these companies having had thrown at them this question of unification, or not knowing the position that they are going to be placed in as a result of the Government's policy, are not going to, and will not, do anything until the Government makes up its mind as to what it is going to do with regard to the railways in the future. As far as I can see, nothing can be done in connection with the question of the relief of railway rates, at least for a considerable period, unless the Govern-

ment is prepared to take control of the railways in the Free State area. Whether this Bill is passed, or whether any other Bill is passed by the Government, it will take a long time for the Bill to go through. When the Bill has passed through both Houses it will be necessary to set up a railway rates tribunal.

It will then take a long time to prove to the tribunal that there should be a reduction in rates. My point is that if the Government are prepared to give any immediate relief to the people suffering as a result of the present high rates, it will have to make up its mind to face the situation with which it is confronted in a bold and courageous manner. We have seen interviews given to the Press by people who are unable or who are ashamed to allow their names to stand over what they state. We have been warned about the domination of foreign capital. As far as I can see, while the railways are called Irish railways, both North and South, there is a great domination of foreign capital at the back of them. Belgium was confronted with the same position, and in order to prevent the domination of its railway system by foreign capital it decided, in the year 1870, to refuse any further concessions to privately-owned companies for the purpose of building any further private lines. Between the years 1857 and 1906 the Belgium Government took over as many as 20 private companies to prevent what is called the domination of foreign capital. That, I submit, is another argument in support of the Bill which Deputy Johnson introduced.

In 1910, as a result of this operation, 2,697 miles out of a total mileage of 2,915 miles were either owned or controlled by the State. As is well known to those who have experience of travelling on the continent, passenger fares and goods rates on the Belgium railways are the lowest in the world. It is well known that as a result of the arrangements made, especially in pre-war days for tourists in Belgium, that the rates charged to tourists in that country were the lowest practically in the world, and as a result of these low fares, and of the other concessions given, there was a remarkable influx of

tourists to Belgium which, of course, was a considerable advantage to the country. While on this question of railway rates, I think it desirable to give a quotation from the findings of the Scotter Commission. This was not a Commission of Irishmen set up by Irishmen, but was a Commission composed of Englishmen and set up by the British Government, who never take into account the Irish outlook, so far as trade and commerce are concerned.

I should have said there were some Irishmen on it. Now, that report contained the following re-

8 o'clock. markable statement in regard to the question of

Irish railway rates: "In our view the Irish railways have not, and are not, being fully utilised for the advancement of the general interests in Ireland owing to the competitive rates on imported goods being so much lower in scale than the local rates, so that the advancement of the local manufacturers is discouraged rather than assisted, as it should have been." That is the remark made in the findings and in the recommendations of the Scotter Commission, and it is scarcely necessary to say anything further to prove that the Irish railways in the past have been controlled by men not interested in the development of the country. Now, if these people who are in control of so many small railways in Ireland are going to get control of the bigger combine, if the Government tolerates the setting up of a system of that kind, it will not be a case of dealing with men who dominated the Irish railways in the past, but it will mean that the men who own these railways will own and will run the State. I am sure there cannot be any objection to my reading an article written by the late President Arthur Griffith in regard to this aspect of the railway trouble. Writing "In the Sinn Féin Policy" published fifteen months after he published "The Resurrection of Hungary," he says: "Owing to the attitude of our railways the development of the country is materially hampered," and he goes on to say: "We cannot make up for the deficiency of the railways, but we can certainly do much to alleviate the pre-

[Mr. Davin.]

sent situation by the proper utilisation of our semi-derelict canal system. With the proper transit system in Ireland the interdependence of manufacturing and agricultural industry would become manifest, and a larger market would be created for each. By a proper transit system, as the maker of industrial Germany pointed out, not merely are the powers of labour of those who are employed in it brought into activity, not only is the agricultural population enabled to obtain from the natural resources which it possesses a greater return than before, but the wealth heretofore lying idle in the earth becomes useful and profitable. Articles such as coal, stone, salt, gypsum, marble, slate, timber, which the freight of a few miles rendered before unprofitable to work, become distributable over a whole country, and thus the formerly valueless resources of a country become, through good transit facilities, of a high importance in the total of national production. This is what transit means to our country. It is worth working hard to obtain." I can imagine that if President Cosgrave, as the worthy successor of the late President Arthur Griffith, is inclined to take his view in regard to how the transport system should be dealt with, he would, I think, take over the Bill which Deputy Johnson has introduced. He would, I am sure, be particularly gratified to take over the Bill, if he is not in a position to tell the Dáil before he turns it down what his alternative policy is. I scarcely think it is necessary, although I could do so at much greater length, to go any further into the question of the ownership and management of the railways on the Continent, and to prove by figures which I could give and which are at the disposal of every member of this Dáil, that State ownership, where it has been brought into operation, has succeeded in almost every country in Europe.

There is one aspect of the case that I cannot sit down without dealing with, and that is the question of the wages of the railwaymen. A good deal of piffle has been talked regarding the wages of railwaymen, not alone during the discussion of this Bill, but on previous oc-

casions, by Deputy Gorey and others. I want it to be definitely understood once and for all that these statements are absolutely contrary to the facts, and that, as a matter of fact, railway workers' wages are the lowest of any section of workers in this country, with the exception of agricultural workers. Deputy Gorey, of course, could solve that problem, judging from previous statements he has made. He stated: "If the citizen must discharge his duty the State must discharge its duty, and I suggest seriously to the Government that if there are any more strikes or any more attempts to get hold of the key industries of the country, such as the ports and railways, it is their duty to set up a State organisation which could be done and manned within 24 hours." That is the statement of Deputy Gorey when speaking in the Dáil on the 22nd November. I have been asked by people outside if that went further than the terms of our Bill. I would ask Deputy Hewat if what Deputy Gorey suggests there is not confiscation to a greater extent than the proposals contained in this Bill. Deputy Gorey, of course, would settle the whole wages difficulty by providing men from the ranks of the farmers and the farmers' sons to run the railways for the State for nothing. That is what I think is contained in the statement which I have quoted. I would, however, warn the Ministry and Deputies who may be confronted at some future date with a position such as he suggests, that if Deputy Gorey is in charge of the lever of the mail train going to Cork in a fog, and if they are travelling on that train, that they would be very well advised to take out an insurance policy. We have had a little sample of the management of Deputy Gorey's people when they took over SS. Brussels and a couple of other ships. They tried to run them for about three months. They failed, and eventually handed them over to one of the great British combines which we are now told are going to dominate this country in future, proving that what Deputy Gorey has suggested with regard to the railways has been a failure when they previously attempted it.

With regard to railway wages, apart

from the free labour which Deputy Gorey has suggested can be provided, traffic porters at present are only paid from 45s. 6d. to 49s. per week, according to the importance of the station at which they are employed. A few parcels' porters at Class I. stations get as high as 52s. I would like to ask Deputy Hewat if he is prepared to go to his men in the coal trade and offer them these wages. Station foremen, with large numbers of men under their control, are paid as low as 52s. 6d. per week, while the highest wage paid to a foreman who controls scores of men is only 62s. per week.

**Mr. HEWAT:** Will Deputy Davin give us the corresponding pre-war figures?

**Mr. DAVIN:** I have personal knowledge of a station not very far from Dublin, where 153 trains are scheduled and run each day, and the foreman controlling the staff there is paid at the rate of 62/- per week. I do not know if Deputy Gorey would argue that that is an unfair wage for the responsibility which that man has to undertake. Deputy O'Mahony yesterday evening alleged that while the Bill provided only three-fifths of the present income for shareholders, it provided 100 per cent. in the case of the staffs. If the Deputy will read the Bill again he will find that in the case of all men who may become redundant as a result of reorganisation, the maximum amount which they can get is two-thirds of their present wages, although dismissal is of far more moment to them than any reductions in dividend could be to the shareholders.

It has been customary for railway companies both in England and Ireland, when recruiting staffs, to do so at a very low wage. I am not disclosing any secret when I make the statement that I started work on a railway as a clerical worker at 8/- a week. I ask Deputy Gorey, who is so healthy and happy looking to-day, if he would like, after getting an ordinary reasonable education, to be faced with the prospect of starting work at 8/- weekly and having to pay 12/- for his lodging. I can assure Deputy Gorey that we are not going back to the stone age so far as that is concerned. Deputy O'Mahony

quoted figures in connection with the Caledonian Railway as against the whole of the Irish railways, but what he professed to show by the figures it is difficult to see. He said that the receipts per mile were higher in Scotland than in Ireland, but he did not say that the cost of working per mile was infinitely greater in Scotland than in Ireland. I could detain and entertain the Dáil—if such a discussion is an entertainment—at greater length if it was necessary to prove that the Bill I have the pleasure of supporting is the only practical measure that holds for the moment. I could go into many questions connected with the administration of the railways both in pre-war days, and during the period of control. I believe, however, that anything I might say would not convince some people, who are so prejudiced against nationalisation, that even if it was a practical proposition they would not vote for it. I have put forward as briefly as was necessary the principal reasons why this Bill should be taken over by the Government. Deputy O'Mahony must be right when he told us that the Ministry have no policy. If the Ministry are not prepared to announce what, in their opinion, is the only practical alternative to this Bill, I ask the members of the Dáil to take their courage in their hands and vote for the Second Reading of this Bill.

**Mr. GOREY:** As there is only a quarter of an hour available, with the permission of the Dáil, I beg to move the adjournment of the debate.

**The PRESIDENT:** Might I intervene to explain what our proposals are with regard to the adjournment for the Christmas holidays? We intend, if we can get through certain measures by Friday, to adjourn then until the 15th January. If we do not get them through, it will mean either sitting on Saturday or Tuesday next, or coming back on the 8th January. I do not very well see how we are going to finish this discussion this evening. We certainly will not have time to deal with it on Friday, having regard to the other business. There is a motion by Deputy Morrissey for Friday, and I expect we will want two hours anyway for that. It is only fair that the Dáil

[The President.]

should realise what the position is. Apart from pressing Bills, I do not see how we could get much further with the Ministers Bill, and I would not mind tying up that to give greater time for this discussion, that is, if Deputy Johnson wishes to have this matter decided before the adjournment. He need not answer to-night—it will do to-morrow—but I just want to put the position before Deputies, so that they will understand the situation.

**Mr. JOHNSON:** We do not know what other business there may be for to-morrow, but if it is competent to take this Bill, then I think the possibilities of an adjournment on Friday, that the President speaks of, are reasonable. If there is business for the Dáil to transact to-morrow, I do not see how it is possible to get through what possibly is necessary business this week, and in that case I think we should meet next week. It is desirable, in my view, that this Bill should be discussed and a division taken before the adjournment; but I press for due time to consider the motion of Deputy Morrissey, and there is also a motion by Deputy Figgis that has precedence according to the form in which it appeared on the paper. I think the question really is, in view of what the President says about the Ministers Bill, what other business there is to transact to-morrow.

### **AN LEAS-CHEANN COMHAIRLE:**

There is the Interpretation Bill, Report Stage; Local Government (Collection of Rates) Bill, First Stage; Coroners' Qualification Bill, First Stage; the Second Stage of the Dáil Eireann Loan and Funds Bill; Ministers' and Secretaries' Bill, Committee Stage; and the two motions for Friday, one by Deputy Figgis and one by Deputy Morrissey.

**Mr. JOHNSON:** None but the Ministers' Bill is likely to be contentious, and I am satisfied if we can place this Bill on the Order Paper, leaving the Ministers' Bill over to follow on if there is time.

**The PRESIDENT:** Very good.

**Mr. JOHNSON:** Perhaps on Friday a longer time could be given for the two motions down on the Paper.

**The PRESIDENT:** That would depend on the other Bill, mentioned last night.

**Mr. GOREY:** I move the adjournment of the Debate until to-morrow.

Question put and agreed to.

### **ADJOURNMENT OF THE DÁIL.**

**The PRESIDENT:** I move the adjournment of the Dáil until 3 o'clock to-morrow.

The Dáil adjourned at 8.20 until o'clock on Thursday, 13th December, 1923.



# **DÁIL EIREANN.**

**DÉARDAOIN, 13adh Mí NA  
NODLAG, 1923.**

*(Thursday, 13th December, 1923.)*

Do chuaidh an Ceann Comhairle i  
gecannas ar a trí a clog.

## **CEISTEANNA—QUESTIONS. ORAL ANSWERS.**

### **DEPUTY IMPRISONED IN SCOTLAND.**

**DOMHNALL O MUIRGHEASA** asked the President what steps, if any, he has taken, or proposes to take, to secure the release of Mr. John McCurtain, a member of this Dáil, who is a political prisoner incarcerated at present in Aberdeen, Scotland?

**The PRESIDENT:** Representations have been made on several occasions urging the release of Mr. McCurtain, but, so far, I regret to say, they have not met with success. Advantage will be taken of a suitable opportunity to renew these representations.

### **SHAW COMMISSION AWARD (DELAY IN PAYMENT).**

**Mr. P. McKENNA** asked the Minister for Finance what is the cause of the delay in the payment of a sum of £2,800, plus interest, awarded by the Shaw Commission to Mr. John J. McGuinness, Kilbeggan, for the destruction of his house and business by British Crown Forces; whether, considering the amount is so long overdue, payment will be made forthwith?

**MINISTER for FINANCE (Mr. E. Blythe):** The case referred to by the Deputy is one of a number in which because of the irregular activities of the applicants the awards were withheld.

I may add that, in view of the more settled conditions now prevailing and of the desire of the Government to hasten the economic reconstruction of the country, the position in regard to these cases is being reconsidered.

### **CO. GALWAY PERSONAL INJURY CLAIM.**

**TOMAS O CONAILL** asked the Minister for Finance if he is aware that a decree for £275, with £19 10s. costs, was obtained at the Galway Sessions in October, 1921, by Patrick Killelea, of Boughill, Ballyforan, Ballinasloe, for personal injuries sustained in September, 1920; whether this sum has yet been paid to Mr. Killelea, and, if not, when payment will be made?

**Mr. BLYTHE:** No application for payment of the decree referred to has been received in the Ministry of Finance.

If the Deputy furnishes me with additional particulars I shall have the matter given immediate attention.

### **SALE OF SCOTCH WHISKEY IN SAORSTAT.**

**Mr. P. J. EGAN** asked the Minister for Finance if he is aware that large quantities of Scotch whiskey are being sold in the Saorstát at strengths from 30 per cent. to 35 per cent. under proof, with a consequent loss of from 5s. to 7s. per gallon to the revenue, and serious injury to the Irish distillery trade; to ask what steps are taken to ensure that, where whiskey is sold in the Saorstát at a strength of less than 25 per cent. under proof, the purchasing public are clearly made aware of the fact?

**Mr. BLYTHE:** I have no information as to the strength at which Scotch whiskey is sold in the Saorstát. The duty on whiskey, whether imported or home-made, is charged not on the bulk quantity, but on the proof quantity as found as a result of test. There is, therefore, no loss to the revenue, as suggested from the practice referred to, if such practice exists.

The second part of the question is not for my Department.

### SEIZURE OF CLEEVES' CREAMERIES.

**MICHAEL O HIFERNAIN** asked the Minister for Finance whether, in view of the considerable losses suffered by a great number of farmers owing to the seizure of Messrs. Cleeves' Creameries in 1922, arrangements will be made whereby farmers will be compensated for their losses?

**Mr. BLYTHE:** The exact nature of the losses sustained by the farmers in question is not mentioned by the Deputy. Any persons, however, who consider that they are entitled to compensation under the provisions of the Damage to Property (Compensation) Act, 1923, have, no doubt, lodged their applications in accordance with the terms of the Act. Such applications will be heard by the County Courts in due course. Every effort is being made to expedite the disposal of compensation claims by the Courts.

### RE-EMPLOYMENT OF C.D. BOARD GANGERS.

**TOMAS O CONAILL** asked the Minister for Agriculture if he is aware that a large number of men who had given from 10 to 25 years' service as gangers under the Congested Districts Board have recently been thrown out of employment as a result of the stoppages of improvement works consequent on the dissolution of that Board, and whether the Minister can hold out any hope to these men that they will be employed in similar work by the Land Commission in connection with the Land Act operations?

**MINISTER for AGRICULTURE (Mr. P. Hogan):** The employment of a number of men who had acted as gangers for the late Congested Districts Board has ceased, as the funds available for the work on which they were engaged have been expended or the work has been suspended until the Land Commission has had an opportunity of considering whether it should be continued. In employing men on improvement works the Land Commission will give every consideration to the claims of men who have had ex-

perience under the (late) Congested Districts Board.

**Mr. O'CONNELL:** Can the Minister say how soon is it likely these improvement works will be taken up again?

**Mr. HOGAN:** I am unable to say that at the moment. If the Deputy will put down a question at a later date, I will be able to give him further information.

### DISCHARGED NEWBRIDGE SOLDIER—QUESTION OF COMPENSATION.

**AODH O CULACHAIN** asked the Minister for Defence whether he is aware that Private James Hughes, of Naas Road, Newbridge, Army No. 51939, 48th Infantry Battalion, who attested on the 20th May, 1922, was discharged from the Army at Mullingar in ill-health, and is now suffering from acute inflammation of the kidneys, caused by his having to sleep in his wet clothes while on column duty in December, '22, in County Cavan; whether the question of compensation until this soldier regains his normal health will be favourably considered?

**General MULCAHY:** Compensation for ill-health contracted on military service is not provided for in the Army Pensions Act, 1923, and is, therefore, not payable. In any case, Private Hughes was not discharged on grounds of ill-health.

### SEIZURE OF CLEEVES' CREAMERIES.

**MICHAEL O HIFERNAIN** asked the Minister for Home Affairs what steps, if any, have been taken to apprehend and bring to justice those persons who were responsible for the seizure of Messrs. Cleeves' Creameries in May, 1922?

**MINISTER for HOME AFFAIRS (Mr. K. O'Higgins):** Owing to the state of affairs which obtained in County Tipperary at the time, no steps were taken against the persons responsible for the seizure of Messrs. Cleeves' Creameries in May, 1922. Enquiries are, however, being instituted with a

view to obtaining reliable information against the parties concerned, and, if such information becomes available, proceedings will be instituted.

**PREPARATION OF ELECTORS' LISTS (QUESTION OF OFFICIALS' REMUNERATION).**

**Mr. P. W. SHAW** asked the Minister for Local Government whether he is aware that the officers of the Local Authorities have not been paid their fees and expenses for preparing the Electors' Lists for the year 1922, as owing to the order of the Government the completion of the register was held up; whether these fees were taken into account when these officers were appointed, and form a substantial part of their salaries, and if an order will be issued authorising payment of these fees and expenses

**MINISTER for LOCAL GOVERNMENT (Mr. Burke):** The Deputy refers presumably to the register which came into force in February, 1922. I am not aware that officials of local authorities did any considerable amount of work in connection with that register. The position of local officials in this respect is, however, under consideration, but it will be noted that while in some instances franchise fees form a considerable portion of salaries, the extended franchise of 1918, and the further extension of the franchise to all adults in the present register, increased certain salaries over the 1918 rate to a figure out of proportion to the work involved.

**CO. CORK RATE COLLECTORS.**

**TADHG O MURCHADHA** asked the Minister for Local Government whether he is aware that rate collectors in County Cork have been requested by the Cork County Council to enter with two sureties into a bond of £100 for the closing of their collection within the next few months, and, in addition, into an agreement giving the Cork County Council power of attorney to obtain judgment against the sureties of such collectors in default of the closing of their collection within the stated period; whether he is aware

that many collectors in Cork hold numerous decrees for rates which they are unable to execute, and what consideration he is prepared to give to collectors who have been always willing to perform their duties?

**Mr. BURKE:** The answer to the first part of the question is in the affirmative.

The Bonds in question are those ordinarily prescribed to ensure the proper discharge of their duties by Rate Collectors. They had been allowed to lapse during recent years owing to the unwillingness of Guarantee Societies to enter into such contracts, but there is now no reason why such Bonds should not be reintroduced in Cork County as in other Counties.

Every consideration will be shown to Collectors who have honestly done all in their power to close their collections, but who may have been unable to do so, so far, for causes beyond their control.

**Mr. MURPHY:** Is the Minister aware that many of the Collectors in the County Cork have not got their books back from the County Council, and are thereby unable to proceed with their collection?

**Mr. BURKE:** I am not aware of that.

**GORT (CO. GALWAY) DISTRICT COUNCIL AND CO. AMALGAMATION SCHEME.**

**TOMAS O CONAILL** asked the Minister for Local Government whether the Gort District Council at their meeting on the 8th September last, requested by resolution that a return be prepared and circulated amongst the members, showing the amounts of pensions awarded to officers, prior to and after the County Amalgamation Scheme, as far as it relates to the Gort District, as well as the rents derived from occupation of the Workhouse Buildings, and whether he will explain the cause of the delay in preparing this return.

**Mr. BURKE:** The resolution referred to was addressed to the Secretary to the County Board of Health, and I am not, therefore, in a position to explain

[Mr. Burke.]

the delay in the preparation of the return asked for. It is suggested that the Deputy might communicate direct with the Secretary to the County Board of Health.

### HOUSING IN GORT (CO. GALWAY).

**TOMAS O CONAILL** asked the Minister for Local Government whether he is aware that the Gort District Council abandoned the building of nine labourers' cottages during the European War for want of funds; whether the proposed tenants of these cottages are presently living in houses unfit for habitation, and when he will be prepared to advance such sums as may be necessary to proceed with the completion of said cottages.

**Mr. BURKE:** The reply to the first part of the question is in the affirmative.

No representations have been made in regard to the houses at present occupied. There are no funds available now out of which advances, as suggested, could be made.

## WRITTEN ANSWERS.

### DEPENDANTS' ALLOWANCE (TIMOLEAGUE, CO. CORK).

**TADHG O MURCHADHA** asked the Minister for Defence whether he is aware that Mrs. Ellen Long, of Dunmorley, Timoleague, Co. Cork, has made repeated applications for dependants allowance in respect of her son, Edward Long, Army No. 40680, Pay Book No. 4060, who joined the National Army at Clonakilty, Co. Cork, on 11th February, 1923, and whether he will state the reason for withholding payment of the allowance, and if payment will now be made.

**General MULCAHY:** Only one application was received—on the 15th September last—from Mrs. Long. Her claim was duly investigated and disallowed, on the ground that the extent of her dependence (if any) on her son, was less than the minimum required by regulations before an allowance may be issued.

### DUNMANWAY DEPENDANT'S CLAIM.

**TADHG O MURCHADHA** asked the Minister for Defence whether he is aware that a balance of £6 in respect of dependants allowance has been long due to Mrs. Ellen Donovan, Quarry Road, Dunmanway, Co. Cork, in respect of the service in the National Army of her husband, William Donovan, which service terminated in December, 1922, and whether he will recommend the payment of this small amount at once.

**General MULCAHY:** A Paying Order for £5 17s. 6d. has been sent to Mrs. Donovan, Quarry Road, Dunmanway, Co. Cork, in settlement of her claim.

### LONGFORD MILITARY ACCOUNT.

**Mr. P. McKENNA** asked the Minister for Defence if he will state what is the cause of the delay in the payment of an account, amounting to £404 odd, due to Anthony Farrell, Merchant, Main Street, Longford, for goods supplied to the Thomas Kelleher Barracks, Longford; whether he is aware that this account was certified for payment, and put in order in the Chief Accountant's Office, Portobello, at the end of October, and, notwithstanding this, the amount is still unpaid; whether the payment of the account will be made forthwith.

**General MULCAHY:** Mr. Farrell's account has been received. Owing to pressure of work some delay in dealing with it has arisen. I am arranging to expedite its settlement.

### ARMY ACCOUNTS—ATHLONE CLAIM.

**Mr. P. McKENNA** asked the Minister for Defence if he will state what is the cause of the delay in the payment of a claim for meat supplied to the Military Barracks, Athlone, by Mr. James Campbell, Victualler, Athlone, particulars of which were furnished on several occasions.

**General MULCAHY:** Payment of

Mr. James Campbell's claim has not been made, as the account was incurred during a period in respect of which claims cannot be discharged out of funds voted by the Dáil for the maintenance of the Army. The general question as to what extent and from what funds these claims may be settled has yet to receive consideration. Pending a decision, Mr. Campbell's claim cannot get further consideration.

### **ACCIDENTAL SHOOTING AT MULLINGAR—QUESTION OF COMPENSATION.**

**SEAN O LAIDHIN** asked the Minister for Defence whether a claim for compensation was lodged on June 20th, 1923, by Mr. John Machin, Solicitor, Mullingar, on behalf of Mr. John Bracken, Ballbarn, Moate, in respect of his son, Pte. Peter Bracken, National Army, who was accidentally shot on April 29th, 1923, at Mullingar; whether, in view of the fact that the deceased was the principal support of his parents, the consideration of this claim will be expedited.

**General MULCAHY:** I am unable to trace the receipt of the claim referred to.

### **THE POSTAL COMMISSION.**

#### **STATEMENT BY POSTMASTER-GENERAL.**

**AN CEANN COMHAIRLE:** The Postmaster-General desires to make a statement with regard to the decision of the Government regarding findings of the Postal Commission.

**POSTMASTER-GENERAL (Mr. J. J. Walsh):** The Report of the Postal Commission has been given the most careful consideration by the Government for many months past, and the Dáil will appreciate that in view of the serious state of the National finances it has been necessary to scrutinise the recommendations of the Commission very closely from the financial aspect, in view of the important alterations both of pay and of organisation put forward.

The main recommendations of the

Commission affect the two important postal classes of Postmen and Sorting Clerks and Telegraphists, and a scheme of reorganisation is proposed under which the sorting work at present performed by the Sorting Clerks and Telegraphists will be transferred to certain members of the Postman Class.

In giving the Dáil the decisions of the Government on the Commission's recommendations, I should like to say at the outset that the reorganisation sanctioned by the Government will only apply in those offices where the volume of work justifies regrading, and in which it is estimated that the reorganisation can be effected without appreciable increase in staff expenditure.

I will take first the Postmen Class.

The Commission recommends that postmen be divided into two grades, Grade "A" and Grade "B"; Grade "B" to continue to do work similar to that already performed by Postmen, and Grade "A" to perform sorting and despatching work at present performed by Sorting Clerks and Telegraphists. This recommendation is accepted in principle for offices where the quantity of sorting work is sufficient to provide whole-time sorting work.

#### **POSTMEN—GRADE B.**

The Commission recommends that the maximum basic wages of Grade "B" Postmen be increased at Class I. Offices by 3/- to 43/- per week, i.e., basic wage carrying Civil Service Bonus, with pro rata increases for Class II. and Class III. Offices. The Government has given this recommendation very careful consideration, and it is unable to accept it. It is satisfied, after a perusal of the evidence, that the existing basic scales are fully adequate for the work at present performed by the existing grades. Where, therefore, work is not graded as higher work, the Government is unable to accept a recommendation to increase the present wage.

#### **POSTMEN—GRADE A.**

The Commission recommends that Postman Grade "A," performing sorting and despatching work, shall have a maximum of 52/- per week, plus bonus. The maximum suggested is too high, and the Government is unable to

[Mr. J. J. Walsh.] accept it. It proposes, instead, to adopt a maximum of 48/-, plus bonus, a week for Class I. Offices, the scale being the present scale, rising by increments of 1/6 per week from the present wages point of 39/-, plus bonus, per week, to the new maximum of 48/-, plus bonus, per week, with pro rata maxima and scales for Class II. and Class III. Offices.

I now come to the class of Sorting Clerk and Telegraphists.

The Commission recommends that the class at present known as S.C. and T. should in future be known as Post Office Assistants, who should perform all duties now discharged by the S.C. and T., except those recommended for transfer to Postmen.

The Commission further recommends that P.O. Assistants should undertake all P.O. Clerical work except that discharged by Executive Grades.

With regard to wages, the Commission recommends that P.O. Assistants should go to a maximum of £162 10s. 0d., plus bonus, for males, and £110 for females, except in the case of assistants who shall have passed an efficiency test to be arranged by the Department with a view to proving their ability to discharge the highest clerical duties proper to the grade, who should go to £220 in the case of males, and £155 in the case of females.

The latter recommendation, which involves the payment of a State servant not by reference to the work on which he is employed, but by reference to the work which he is able to discharge, is one which the Government cannot possibly entertain. Nor can the Government accept the proposal that the work at Headquarter Offices should be performed by the manipulative classes, though the Government is prepared to provide a special avenue of promotion for these classes.

The Government has decided to absorb the Sorting Clerks and Telegraphists into a new class of Post Office Assistants of two Grades, Grade A and Grade B, one of which, Grade A, will be employed on the higher duties of the class, viz., counter duties, registered letter duties, and writing duties where the volume of work is such that

full-time employment can be provided on these duties; the other Grade, Grade B, will perform the duties at present falling upon Sorting Clerks and Telegraphists, excepting in the case of larger offices, where the duties will be transferred to Postmen Grade A and Post Office Assistants, Grade A.

In the case of Post Office Assistants, Grade B, who will remain employed on their present duties, the Government is unable to authorise any increase of the present basic scales of pay, which are adequate.

In the case of Post Office Assistants, Grade A, who will be employed solely on the higher duties of the class, the Government proposes to adopt increased maxima of 70/- per week, plus bonus, for males, and 47/-, plus bonus, for females at Class I. Offices, to be reached by increments of 2/- in the case of males and 1/- in the case of females, after the present maxima have been reached. Pro rata maxima and incremental scales will be applied at Class II. and Class III. Offices.

The foregoing represents the Government's decisions on the main recommendations.

There are several points of detail and several minor recommendations of the Commission into which I need not now enter. The recruitment of all classes by competitive examination, with reservation of a percentage of vacancies for Postal Officials of junior grades, is a recommendation which the Government readily accepts. In particular, a percentage of the clerical posts in the Headquarter Offices will be reserved for competition confined to Post Office Assistants.

**Mr. O'CONNELL:** I would like to know whether, when the Postmaster-General speaks of the Government's decision in this circular, we are to understand he means the decision of the Executive Council, or the Government as a whole, or of the Postmaster-General, who is an External Minister responsible to this Dáil. Further, may I say, this is a very important statement of the Postmaster-General's. It deals with a Report presented to the Government twelve months ago, and which, as far as I know, has not yet been circulated or published, and I

should like to ask whether we will be afforded an opportunity of discussing the statement of the Postmaster-General, which practically turns down in the main the unanimous recommendations of the Postal Commission.

**Mr. WALSH:** It was hoped that the Report would be circulated in time for discussion before the Recess, but I am informed, by the Ceann Comhairle, that no opportunity can now be given before that date. What I would suggest is that Deputy O'Connell, who is, perhaps, more interested in this matter than any other member of the Dáil, would avail of an opportunity, immediately after the Recess, to open up a discussion of the whole subject, which would be a better way of dealing with it than piecemeal at this stage.

**Mr. JOHNSON:** The Report of the Postmaster-General to the Dáil refers to the Report of the Postal Commission. The Report of the Postal Commission is not yet available to the Dáil. Will it be made available in the meantime?

**Mr. WALSH:** Certainly, at once.

**Mr. O'CONNELL:** Can the Postmaster-General say, in the meantime, and as there is not an opportunity of discussing the Report, when the terms announced in his statement will be given effect to?

**Mr. WALSH:** I take it it would be inadvisable to take anything for granted until the Dáil accepts the Report formally. The findings can be made retrospective, of course, covering this period.

**Mr. O'CONNELL:** Is the Postmaster-General in a position to answer the first question I put to him?

**Mr. WALSH:** I think it would be more advisable that we should deal with the whole subject at the one time. I do not see any point in dealing with it in part only.

#### **INTERPRETATION BILL, 1923— FOURTH STAGE.**

**ATTORNEY-GENERAL:** I move that this Bill be received for final con-

sideration. As the Dáil is aware, it was referred to a Special Committee, and as it has emerged, with the amendments that now appear upon the Paper, I think it might be taken as non-controversial.

**The PRESIDENT:** I beg to second.

Question put and agreed to.

**ATTORNEY-GENERAL:** In the circumstances, I ask the leave of the Dáil to suspend the Standing Orders in order to take the Fifth Stage of the Interpretation Bill.

Agreed.

**ATTORNEY-GENERAL:** I move that the Bill do now pass.

Question put and agreed to.

Bill ordered to be sent to the Seanad.

#### **LOCAL GOVERNMENT (COLLECTION OF RATES) BILL, 1923— FIRST STAGE.**

**MINISTER for LOCAL GOVERNMENT (Mr. J. Burke):** I beg to move for leave to introduce the "Local Government (Collection of Rates) Bill, 1923," which is:

"A Bill to authorise the adoption of special remedies and procedure for the recovery of arrears of rates now due and to authorise the collection during a limited period of rates through or by means of the Post Office and for other purposes connected therewith."

The justification for the introduction of this Bill is the present financial condition of Local Authorities throughout the country. The condition of many County Councils is, at the moment, very precarious, owing, number one, to the large arrears of rates still outstanding, amounting, I believe, approximately to about three million pounds, and number two, which is to a great extent consequential on number one, to the very heavy overdrafts on which Local Authorities are working at the moment, amounting to over £800,000. It is absolutely essential that these arrears of rates should be recovered without delay. It is essential for two reasons: First of all, because if they are not re-

[Mr. J. Burke.]

covered, and if those who are in arrears are not compelled to pay up, then those who have paid their rates will be obliged to shoulder their debts and to pay again when the next rate is struck, and secondly, because if the finances of Local Authorities are permitted to collapse, essential local services such as asylums, public health, poor relief, road repair, etc., will have to be discontinued, and various schemes for the relief of unemployment which the Government has in mind at the present moment, will have to be discontinued also.

For these reasons we have found it necessary, in order to prevent these very serious consequences, to look for very wide powers in order to speed up the collection of arrears of rates.

Question: "That leave be granted to introduce the Bill," put and agreed to.

Second Stage ordered for the 15th January, 1924, or an earlier date, should the Dáil meet earlier in the New Year.

### **CORONERS' (QUALIFICATION) BILL, 1923—FIRST STAGE.**

#### **MINISTER for HOME AFFAIRS**

(Mr. O'Higgins): I beg to move for leave to introduce the "Coroners' (Qualification) Bill, 1923," which is:

"A Bill to declare certain persons who have resigned from the office of Justice of the Peace to be qualified to be appointed to be Coroners, and to validate the appointments as Coroners of certain persons who had not the statutory qualifications for such appointment."

The qualifications for a Coroner prescribed by the Coroners' Act of 1881, are three-fold. The person to be appointed must be a Doctor, duly qualified and registered under the Act of 1858, a Barrister or Solicitor of the Supreme Court, or a Justice of the Peace of five years' standing. Deputies will remember that during the period of conflict with the British, the British Military Authorities ordered the cessation of inquests, and on the other hand the Ministers of Dáil Éireann urged Local Authorities to

bring pressure on Coroners to hold inquests wherever there seemed to be a reasonable need for an inquest being held. During that period the Coroner of the City of Limerick and the Coroner for Westmeath died, and the Local Authorities in these areas had some difficulty in finding a successor possessing the statutory qualification.

In Limerick and in Westmeath persons were appointed to the office of Coroner, and functioned as Coroner, who had not the statutory qualifications, and I think it will be agreed that it is desirable to regularise and to validate these appointments. That is the main object of the Bill which I propose to introduce: to regularise the appointment of Coroner in Limerick City and in Westmeath. There is one further object covered in the Bill, and it is this: With regard to the fourth qualification—a Justice of the Peace of five years' standing—the Bill provides that persons who were Justices of the Peace for five years and resigned after January, 1919, shall not, because of such resignation, be now ineligible; that is to say, it would still be possible for a County Council to appoint to the office of Coroner a person who was a Magistrate of five years' standing, and who resigned between January, 1919, and the 6th December, 1921. I move for leave to introduce the Bill.

Question: "That leave be granted to introduce the Bill," put and agreed to.

Second Stage ordered for 15th January, 1924, or an earlier date, should the Dáil meet earlier in the New Year.

### **DÁIL ÉIREANN LOANS AND FUNDS BILL, 1923—SECOND STAGE.**

#### **MINISTER for FINANCE (Mr.**

Blythe): This Bill is for the purpose of repaying sums borrowed by Dáil Éireann in the years 1919, 1920 and 1921, in Ireland and in America. The terms of the prospectus have not been literally fulfilled. Interest on the money in certain cases was to be repayable six months after the Irish Republic had received international recognition, and after the English had evacuated Ire-



land. The conditions of the American prospectus were somewhat similar. At a certain date after the freeing of the territory of Ireland from Britain's immediate control, the said bonds were to be redeemable at par. But the conditions have been substantially fulfilled. We have succeeded in getting control of the national destinies. We feel that the people who put up the money which enabled the successful fight to be made, that was made, should have their money paid back to them, and that payment should not be delayed or avoided because of any quibble with regard to the literal fulfilment of the conditions laid down in the prospectus.

The amount raised by the internal loan was £378,000. It was issued on the 1st August, 1919, and the list closed on the 17th July, 1920. The amount was received in very small sums. Only £114,000 was raised by means of subscriptions of £10 and upwards. It is because of the fact that the subscriptions were, generally speaking, so small in amount that we do not think it desirable to issue stock. It would mean that a very large number of people would hold stock of the value of £1 or £2, and the payment of 1s. or 2s. a year interest would involve an enormous amount of clerical work. Under the terms of the prospectus the loan need not be paid off for twenty years. We propose to pay it back really in about seven years—that is, on the 1st June, 1927. We propose to issue to the people, whom it is definitely established have subscribed to the loan, Savings Certificates; to allow the interest to accumulate, and to pay principal and interest off on the 1st day of June, 1927. We think that this is fair to them, that it is in conformity with the spirit of the agreement entered into when the loan was issued, and that in the majority of cases it will be more satisfactory to the people themselves. Once these Certificates have been issued they can be exchanged, and people who want the cash before the Certificates reach maturity will be able to obtain it by transfer, no doubt.

There were two loans issued in America, one on the 1st January, 1921, which realised 5,236,955 dollars. The

second American loan was issued in November, 1921, and it, of course, had hardly got started when the Treaty came. That loan realised 622,720 dollars. The total raised in America, therefore, was 5,859,675 dollars. There is at present held up in America and the subject of litigation two million, three hundred thousand odd dollars. There are provisions in connection with the redemption of the American loan which correspond roughly to the requirements of the American prospectus. That is, stock certificates will be issued to those who have subscribed to the loan. Interest will accrue on these stock certificates, and they can be redeemed either at par, or they can be purchased in the market.

There are one or two small points in the Bill which will be the subject of slight amendments in Committee. I need hardly refer to them now, except to say simply that this Bill provides for the discharge of a moral obligation. There are certain assets remaining still, but in any case the country received very good value for this money. There are shares in the National Land Bank, and there are deposits in the name of the Natland Auxiliary Society, which was simply a device that was thought of to make difficult any British action against the Land Bank.

The National Land Bank was formed at a time when an agrarian agitation was arising in some parts of the country, which seemed likely to cut across and to destroy the national movement. Towards the end of 1919 and the beginning of 1920, there was every disposition on the part of people to indulge in what we would now call irregularism. That centred mostly round the desire of people violently to seize land. For the purpose of checking that agitation and of making some arrangement for the purchase and distribution of land the funds which were being raised by the loan were devoted by the Dáil to the establishment of the Land Bank. There had been previously set up a Land Court under the Dáil which arranged for the purchase and for the division of certain estates. By means of the Land Bank the Dáil was able to see that a certain number, at least, of these estates were bought and

[Mr. Blythe.]

divided or made available to various small holders and landless men around them. The result of the operations of the Land Court and of the Land Bank undoubtedly was to settle and to calm the agitation which was threatening to disrupt the national movement for independence at the time.

Certain difficulties did arise later on in regard to these purchased estates and the societies that acquired them, because the slump that followed came very heavily on these particular people. At any rate, a very good purpose was served, and the shares in the National Land Bank are certainly a very valuable asset. In addition to that, there are held by this Natland Auxiliary Society something like, I think, £91,000. There are other sums, of which I have not now the amount, in the hands of trustees and others. Apart altogether from the assets that remain out of this loan, which are being brought into the Exchequer, the payment to the subscribers is a moral obligation. These people cast their bread upon the waters, and it is now up to us to see that it returns. I think very few people, certainly only a small number, thought they were making an investment or that money given in this way would come back. Many people at great sacrifice subscribed substantial sums, for people of their means, in order to enable the struggle that was getting under weigh when the Loan was issued to be carried on successfully. If it had not been for the generosity and the faith of the people who subscribed to the Loan there would be no Free State to-day. The struggle could not have been carried on without the financial resources that this Loan provided. It was used as economically and as sparingly as possible by the elected Government of the Irish people of the day. I believe that we have got very good value. It is up to us to return the money, and I think we must all feel now the sense of victory and the sense of achievement that is due, when we are able to pay back what we at one time regarded as an enormous sum, and pay it back without any great stress. One could hardly help casting one's mind back to the

time when the Loan was issued, but when we do we realise the enormous advance that has been made, an advance which I think very few people believed or hoped, when they subscribed, would be realised in their generation. However, they did subscribe, and it is due to us to see that they are paid back in accordance with the terms of the prospectus.

**Mr. DOLAN:** I wish to draw the Minister's attention to Sub-Section 2 of Section 6, and I hope that he will consider an amendment in reference to it on the next Stage. The sub-section states: "Provided that the Minister may postpone the issue of stock certificates under this section until he is satisfied that all moneys subscribed to the External Loans, or either of them, and not duly accounted for have (so far as the same are recoverable) been paid into the Exchequer." My reason in drawing attention to this sub-section is, that there might be a difficulty owing to the way the Loan was handled in America, and owing to the confusion that existed, since the Loan was subscribed. I think the national credit comes in here, and I am convinced that it is due to the Irish nation to recognise our liability to the people who subscribed this money regardless of how it was handled afterwards. The money was subscribed, and I claim that any receipt held in America or abroad from any official acting under Dáil Eireann should be recognised, and that a fresh stock certificate, according to the terms of this section, should be issued against that receipt.

**Mr. BLYTHE:** The matter Deputy Dolan has dealt with is one that I had in mind when I said that there would be certain amendments on the Committee Stage. I recognise fully that whether the money was lost through the fault of trustees, or whatever happened to the money, the people who subscribed it are entitled to get it back. I believe, even if we were not to get the funds that are in America for a considerable time, we would be able to borrow sufficient to pay off the subscribers there without waiting for the result of the law suit.

Question put and agreed to.

Bill read a Second Time; Committee Stage fixed for January 15th.

## MINISTERS AND SECRETARIES BILL.

**The PRESIDENT:** I said a few words last evening with regard to the business we proposed to deal with. Apparently, I must have overlooked the fact that we were mid-way through a section in the Ministers and Secretaries Bill. I would ask the indulgence of the Dáil to take up that section and dispose of it, and then get on with the other business. I do not think it will take very long, but it would be more satisfactory to have the section dealt with than leaving it open for consideration at the next sitting.

It would depend altogether on the indulgence that is given by the Dáil. I addressed myself on this point last evening to Deputy Johnson, and I had no intention of misleading him. If he has no objection, and if the Dáil is agreeable, I think we might get along with that section.

**Mr. JOHNSON:** I see the point the President has made, and I have no objection to following the course he suggests. I am just reminded, however, that perhaps we should rather deal with the amendments to the section, leaving a final decision on the section until Deputies who have shown their interest in it are here. It occurs to me that possibly Deputies are not here who are interested in this section because of the understanding that this matter would not be dealt with until later. As they have no amendments down, we might deal with the amendments on the Paper and leave the final decision on the section itself over, unless, in the meantime, the Deputies concerned arrive.

**Mr. GOREY:** We have no objection to having the whole of the section dealt with.

**The PRESIDENT:** The Deputy who is absent who had an interest in this matter, and who had an amendment down, is Deputy Figgis. It is quite possible that he might return before we reach that stage.

**Mr. JOHNSON:** I do not press my point.

**AN CEANN COMHAIRLE:** Would the Dáil agree to take up in Committee the amendments to Section 8 that have been left over, and when we come to put the section, decide then whether it would be better to take it in view of the Deputies then present?

Agreed.

## DAIL IN COMMITTEE.

### MINISTERS AND SECRETARIES BILL—THIRD STAGE (RESUMED).

#### SECTION 8.

**Mr. HEFFERNAN:** There is an amendment in my name to delete sub-Section 1 of Section 8, and my object in putting it down was more or less to get information. As it only means the deletion of the sub-section, and as that sub-section was discussed rather fully, and, to a certain extent, rather acrimoniously yesterday, I think it would be advisable to withdraw the amendment. I, therefore, ask leave of the Dáil to withdraw it.

Amendment, by leave, withdrawn.

**Mr. DAVIN:** I beg to move the following amendment:—

“In sub-Section (1), lines 56 and 57, to delete the words ‘there shall be and there is hereby constituted a Council of Defence to assist the Minister for Defence,’ and to substitute therefor the words ‘it shall be lawful for the Minister for Defence to establish a Council of Defence to assist him.’”

The amendment is more or less to give the Minister the option of setting up whatever Council or body that he, in his capacity as Minister, may deem advisable, and not, like the section as it stands, compel him to do so, and give the Council a statutory basis, as it gets in the Bill. While it gives the Minister the option of setting up this Council, it does not relieve him of his rightful responsibility to discharge whatever administrative duties may fall to him as Minister for Defence. While it gives him an option

[Mr. Davin.]  
to set up the Council, responsibility will rest with him for any Council set up in his name.

**General MULCAHY:** We are not accepting this amendment. I do not know how it will affect the 4 o'clock civil member who, it is proposed, is to be attached to the Council. In opposing the amendment the principal strength of my opposition would come from the fact that our own experience has suggested to us to have the Council of Defence set up in this particular manner. The experience in other countries has made them adopt this particular type of Council as a systematic piece of organisation in connection with their Defence Department. I mentioned yesterday that the Defence Department is liable to be put under a strain in a time of national emergency that comes to the lot of no other Department to be put under. The foresight in connection with the making of plans, as well as matters of policy, is a matter that requires most careful and systematic consideration. The Defence Department will consist of the heads of a number of administrative departments which are separate from the point of view that they are administered by different heads, and yet they all have to come together for a common purpose. The three military sections will have to come together for the common purpose of armed operations. The fourth member coming in with the Minister gives you a body of five, who have to come together from the point of view of general administration, and all those matters that concern policy, both from the point of view of administration and of action at any particular time. It is a safeguard to the country; it is a safeguard to the Dáil; and it is a safeguard to the Executive Council that they would clearly understand the machinery by which the Minister co-ordinated his policy and his plans for the future of the Department, and that it would not be left to a haphazard Council that might be selected in one way or in another. It should not be left to the Minister at any particular time, as it were, to say to himself that he was of such a nature that

he could do all the co-ordinating himself. That would be putting too great a strain, in my opinion, on any particular man, and it would be putting too great a strain on the faith, perhaps, of the Dáil and of the Executive Council in the capacity of one single man. You require the headship to the Army of that particular type of Council of Defence from many points of view. It does not in any way derogate from the responsibility of the Minister, or derogate from the power that it is necessary for him to have because of that responsibility.

The different members of the Council will be men who are selected for their fitness for a particular position. They will change from time to time, but the heads of those Departments will occupy, as well as being heads of their Departments, a statutory position, and will be required to co-ordinate in a systematic way the work of their different Departments for the general and prime function of the Ministry. It would be wrong, therefore, not to say systematically that this Council of Defence will be created in this particular way, and I would urge very strongly that the amendment would not be for the general good of the Ministry or the general security of the State.

**ATTORNEY - GENERAL:** Without trespassing too far on the indulgence of the Committee, I would add this. It is really repeating what I said last night in answering a question of Deputy Johnson, that a difficulty of this amendment of Deputy Davin's, is that the persons without a statutory constitution in the Council of Defence would be really without any proper definite status. One of the great advantages from the Civil and Parliamentary end in the scheme proposed, is that there will be a Civil member of this body, a member of this Dáil who will have a statutory position. Without the Clause, as it has been inserted in the Bill, such a person would be a mere volunteer invited by the Minister to act on the body. While the Minister will, it is assumed, have more of his time taken up with considering broad questions of policy, the civil member will be charged with authority for a

watch over the finance, that is to say, the handling of the money voted by the Dáil for Army purposes, and it is the virtue of the Clause that it gives the civil members, as well as the others, a Statutory position on the body.

**Mr. JOHNSON:** I am not yet convinced that it is a good thing to set up this Council in this way in this Bill. The Minister has defended it on the ground that it is necessary to give the various nominated members of the Council a statutory position, and rather suggests that it is too much of a responsibility to put upon the Minister, for the time being, the nomination of such a Council—the nomination of the persons to fill the offices, the holding of which offices is to be by statutory authority. The Council is in the hands of the Minister, so the responsibility he says should not be imposed upon him, is in fact imposed upon him. And there is this further consideration, that in a time of war it might be thought well to bring into a Council of Defence some other person who has not been an administrator of an Army Department, and who is deemed to be specially qualified for the purpose of acting on the Council of Defence during a time of war.

That has been the experience in more countries than one, and perhaps even the Minister will recollect something of the kind happening in this country. If you constitute this Council in this way you will be limited to these members named, and you cannot very well go beyond that. You could not, for instance, call in any Minister who might be specially qualified to act as a member of this Council in a time of stress. You might desire to call in, say, the Minister in charge of Industry and Commerce; it might be found desirable to mobilise all the industrial resources of the country, and that that Minister should be a member of this Council, but you are preventing that possibility, except you adopt other statutes or go outside the law altogether. I contend that the appointment of a Council of Defence should be a matter for the Executive Council and the Minister for Defence, and that such a Council should not be set up, especially in this

manner, and placed in a position of authority which, I believe, notwithstanding the desire of the Ministry, would dissipate somewhat the Minister's responsibility to the Dáil. The Council of Defence, which is a Council mainly of military men, might well be tempted to say: "We have authority from the Dáil; we are a majority, and notwithstanding the fact that the Minister is the head of this Council, the Oireachtas has placed on us the responsibility, and we will submit our case to them." I contend that while placing this Council in the position in this statutory way, you are inviting them to take a position such as I have suggested, and that the authority of the Minister for Defence is weakened. Therefore, I support the amendment.

**General MULCAHY:** The work of the Council of Defence is preparation, and as such it ought not to be confused with what you might have in time of war, and which it would be better, perhaps, to call a Council of War. As far as co-operation with the Minister for Industry and Commerce, and other Departments, is concerned, naturally, in considering the development of our Department of Defence, where you are going to rely on the mainspring of our country's resistance to any emergency, you will review the whole of your Departments of State, but the responsibility for having reviewed them and the preparation of your military weapon will be on the Minister for Defence. So that we must not confuse that preparation with the Council of War, and the work of the Council of Defence is work of preparation. The fact that from that particular point of view it is a statutory body would not preclude, in time of emergency, a Council of War of a very different type being specially set up.

**ATTORNEY - GENERAL:** May I point out, in answer to the suggestion of Deputy Johnson as to any danger of the majority assertion and domination, that if my amendment Number 12, to Sub-Section 5, is adopted, that position would become impossible.

**Amendment put and declared lost.**

**Amendment by Mr. Davin:—**

To delete Sub-Section (2) and to substitute therefor as follows:—

“The Minister for Defence shall be Chairman of any Council of Defence established under the next preceding sub-section and shall assign to the Council of Defence and to the several members thereof such of the business of the Department of Defence as he thinks fit and may at any time withdraw, enlarge or redistribute any of his powers so assigned.”

**Mr. DAVIN:** This is consequential.

Amendment not moved.

**Major COOPER:** I move: In Sub-Section (2), lines 4 and 5, page 7, to delete the words (“under the style of Commander-in-Chief.”) In doing so, I do not propose to refer to the discussion that we had yesterday. I accept absolutely the President’s statement on the constitutional position. It is quite clear to me that if we have, as we have, power under the Treaty to raise an Army, we must have power to control and command it, and that no amount of special pleading can alter that fact. I propose solely to address myself to the question of whether it is desirable that the offices of Minister for Defence and Commander-in-Chief should be combined in the same person, and I shall address myself to that mainly in considering how such an arrangement has worked in other countries and on the verdict of history, because I think it has been generally held that the functions of Commander-in-Chief and the functions of Minister for Defence are essentially separate. In England the Commander-in-Chief functions under the Secretary of State for War. He existed long before the Secretary of State for War, and it is a peculiar fact that when the Commander-in-Chief in England was not a Royal personage he was invariably an Irishman. It was found after the Secretary of State for War was established that his functions and the functions of the Commander-in-Chief clashed. How was that difficulty met? It was not met by uniting these functions in the same person; it was met by passing the War Office Act of 1870,

which definitely subordinated the Commander-in-Chief to the Secretary of State for War. I know that the Attorney-General would like to know my authority. It is Erskine May’s Constitutional History of England in this case. He mentioned yesterday that Lord Kitchener held the two posts, but overlooked two facts. The first was that this was an experiment. It produced enormous confusion, and had Lord Kitchener lived he would have been removed from his post, and although he was a soldier and Minister for War, he did not have the sole Command-in-Chief as is proposed in this section. In France the Minister for War is almost invariably a soldier, but he was never called Commander-in-Chief, and none of the four Commanders-in-Chief the French had during the Great War—Marshal Joffre, General Nivelle, Marshal Foch and General Petain—were Ministers for War. There was always an entirely separate Minister for War, carrying on separate functions.

In the United States, the President is nominally the Commander-in-Chief, but in war they found it in practice desirable to have a Commander-in-Chief, such as Generals Scott, McClelland, and Grant. Both McClelland and Grant had executive functions in the War Office, which were entirely distinct executive functions from that of the Commander-in-Chief. In Canada, according to Constitutional precedent, there is no Commander-in-Chief, but there is a Chief of General Staff, General MacBrien, who is an Irishman. Everywhere we go outside this country I do not think there is a single precedent for combining the functions of Commander-in-Chief and Parliamentary Minister in charge of the Department of War in the same person. As far as I know, there is not, and except for one reason which I shall state later, there is no reason why they should be combined, and there is one very strong reason against it, because, generally speaking, the same kind of man cannot fill the two posts. If the term Commander-in-Chief means anything, it means that the man who will command in time of war will have as high and heavy responsibility as could be placed

on the shoulders of any soldier. The qualities necessary in the command of an army are instant decision, readiness to take responsibility, and fearlessness of criticism; and these are not necessarily those that qualify a man to come to the Dáil, answer questions, defend his department, and submit to the give and take of Parliamentary debate. Looking at history, how many famous soldiers could have combined these functions? Julius Caesar could have possibly. He was a party leader, almost a Labour leader, until he was forty years of age, and then he took to soldiering as a second string. Napoleon would preside occasionally at Councils of State, which more or less corresponded to the Seanad, but he always made it clear that he was presiding, and he generally finished the sittings by calling the other members imbeciles. That, perhaps, is not a desirable precedent. The qualities of a great commanding soldier are not usually those of a Parliamentary tactician—

**A DEPUTY**—What about Wellington?

**Major COOPER**: Wellington was about the worst Prime Minister England ever had. He sat in the House of Lords and did not ordinarily have the give and take of Parliamentary debate. The qualities that fit a man for command in the field are not the qualities that fit a man for control in the House; there may be exceptions, and one argument is that there is an exception, and that the exceptional qualities of the present Minister are such. I have no intimate knowledge of his work as a soldier, but results speak for themselves. I have knowledge of his ability in the Dáil, but I think we would be making a mistake if on the exceptional qualities of the present Minister we make a rule which will bind us for ever in the future. When our army becomes smaller it may be necessary, and certainly will be desirable, to combine Ministries, and it may be necessary to combine the Ministry of Defence with some other Department. In Southern Rhodesia the same person, I believe, combines the offices of Minister for Defence and

Attorney-General. It may be the Attorney-General would not be the most convincing Commander-in-Chief that the Army would require, at all events on mounted occasions, so I think it is a mistake. If my amendment is carried there is nothing to prevent the present Minister for Defence being given the title of Commander-in-Chief by the Executive Council, but I think, unless I hear reasons to the contrary, it would be a mistake to bind ourselves absolutely, that every Minister for Defence in future shall have the title of Commander-in-Chief. That would limit us too closely in selection for that office.

**ATTORNEY-GENERAL**: While the Minister for Defence is recovering from his blushes, may I assume the office of Section Commander. I want to point out one or two facts in relation to the parenthesis in this section. In the first place, the Minister for Defence must be a member of the Dáil. If the Deputy will refer to our Electoral Act he will find that a member of the Dáil cannot be a soldier on active service or on full pay. Consequently, we have it that the Minister for Defence cannot be actually a soldier. If the Deputy refers to the Defence Forces Act, the temporary provisions of which will probably be retained, he will find that the Minister for Defence cannot hold any executive command. He will find that the Command-in-Chief is given under Section 5 of the Defence Forces Act, as follows:—"The Command-in-Chief of and all executive and administrative powers in relation to the forces . . . shall be vested in the Executive Council." The position is that the Command-in-Chief is vested in the Executive Council; but just as the Executive Council is not called collectively Minister for Finance, or is not called collectively Minister for Home Affairs—individuals wear these titles while the body bears a collective responsibility—so the Command-in-Chief is given a personality in the person of the Minister for Defence. His functions as Commander-in-Chief are practically confined, in that capacity, to acting as Chairman of the Defence Council. Consequently, the criticism, which arises from the analogy of actual soldiers holding the combined offices of

[Attorney-General.]

Secretary for War and Commander-in-Chief, really does not apply. Even should a state of war arise, I take it that the executive command in the field would be vested by the Executive Council in some outstanding officer on the active list of the army, who would be chosen for the purpose, as is the case in Switzerland. Therefore, I submit this is no more than rendering personally to an individual, in the same way as is rendered to other Ministers, functions which are vested in the Executive Council, as a whole. In so far, it is only a style, and his functions are limited to Presidency of the Defence Council.

**Mr. JOHNSON:** I think the statement of the Lawyer-in-Chief helps us to understand what was the intention of the Ministry in inserting this phrase in the Section. I believed, up to yesterday, it was very desirable that this should be deleted, and I was prepared to support in full the amendments put down for the deletion of this parenthesis ("under the style of Commander-in-Chief") but I am of opinion now that the Dáil should quite definitely, by the defeat of this amendment, assert its will in this matter. It should show that it has the right and authority to appoint any person to any office in the army under any title that it may wish to give. The question has been raised and, whether we like it or not, an answer has to be given to that question. It has been given by reference to the Defence Forces Act. But I believe that it is desirable that we should give the answer in a much more emphatic way by deliberately deciding to retain those words in the Sub-section. I hope that the matter will be pressed to a division so that the vote of the Dáil will be clear on it.

**Professor O'SULLIVAN:** I shall not follow Deputy Cooper in taking up the historical side of this matter. I appreciate the opening statement of Deputy Cooper, and I am sure we all appreciate the Deputy's speech. After what occurred yesterday, does he think it practically possible to dissociate what we do to-day with what occurred yesterday? On several occasions Deputy

Cooper has put it up to the Government that they are too little inclined to consult public opinion. I would ask him now to consult the views of the ordinary person outside. I think those who were present at yesterday's debate will be convinced that a great deal of it was intended more for the people outside the Dáil than for the people inside. Consequently, I will ask Deputy Cooper to consult public opinion outside so far as not to press this amendment. I do not think it is possible to dissociate this amendment from yesterday's debate. The only other point that I should desire to make is that I think in Deputy Cooper's speech there is noticeable an attempt that I have noticed in other sections of this Bill in connection with Parliamentary Secretaries, to assume that the principal duty of the Secretary to a Minister is to be present at debates and to make clever answers. Personally I think that is only portion of the work of a Minister or Secretary. I will, therefore, ask Deputy Cooper not to press the amendment.

**Major COOPER:** I assure Deputy O'Sullivan that I put down this amendment three weeks ago, and I had no idea that any such arguments as were used yesterday would be made. I was thinking much more of the army than I was thinking of the Dáil. I thought it was a bad thing to say to a young officer who was beginning his career: "You shall work hard at your profession and attend courses and study the way of foreign armies, but you shall never, under any circumstances, become Commander-in-Chief. The most you can rise to is Chief of the General Staff. If you forsake your vocation, and come into the Dáil and speak here only when you are told to speak, then you may become Commander-in-Chief of the Army." I am personally, as regards this amendment, in the hands of the Dáil. I stand between Deputy O'Sullivan, who wishes me to withdraw, and Deputy Johnson, who asks me to press the amendment to a division. I am willing to take Deputy O'Sullivan's advice, and I will not press it to a division. I am not going to put the Dáil to the pain of registering a foregone conclusion. What I propose to do is to allow the question to be put. I person-



ally would prefer to withdraw it, but if it is thought desirable that the Dáil should have an opportunity of definitely expressing its opinion, after what took place yesterday, I am prepared to afford that opportunity.

**Mr. HEFFERNAN:** My name is down for a similar amendment. I should like to say that when I put down that amendment I had no idea that an amendment of a similar type would provoke the acrimonious discussion that took place yesterday. I was not animated by the ideas that animated some of the Deputies who spoke yesterday. I was a little bit puzzled as to the intentions of the clause. I could not quite understand why the Minister for Defence could not preside at the Council of Defence as Minister for Defence, and I could not understand why he was asked to preside under the title of Commander-in-Chief.

Having heard the lucid explanations of the Attorney-General and the Minister for Defence, I am quite prepared to follow Deputy Cooper's lead, or any other lead which would have the effect of removing any ill-feeling which may result from the debate of yesterday.

Amendment put.

**AN CEANN COMHAIRLE:** The amendment is lost by the unanimous vote of the Committee.

**Major COOPER:** Amendment 6, which is in my name, reads: "In Sub-Section (2), page 7, line 6, to delete the word 'four' and to substitute therefor 'three.'" Both that and the following amendment are really bound together. They were put down because at the time I had not seen the Attorney-General's amendment, and I thought it very undesirable to stereotype a Parliamentary Secretary to the Minister for Defence as part of our Constitutional system. The time may come when the Army will be only ten or twelve thousand strong. The Attorney-General has an amendment later on which meets the case. If he gives me some explanation which will allow me to withdraw my amendment, I shall be very glad to do so.

**ATTORNEY-GENERAL:** My amend-

ment is intended to provide that there shall be a civil member of the Defence Council and if circumstances require—but not of necessity—he may be Parliamentary Secretary. It may be that at the moment it would be, as the President has said, an economy to have a paid Parliamentary Secretary as a civil member of that Council, charged with looking after the very large amount of money which is handled by the Army Department. It may that in a year or so that responsibility will have so far contracted that a member of the Dáil will be happy to attend to the matter without a stipend. The effect of my amendment is to provide that a member of the Dáil shall be added to the Council, and that he may be Parliamentary Secretary.

**Major COOPER:** That, I think, meets my case, and I am agreeable to withdrawing the amendment. I should like to point out that the arrangements for dealing with correspondence in the Ministry of Defence very urgently need the attention of somebody. I would be prepared to agree to the appointment of a Parliamentary Secretary for a year or three years, but I do not want him as a stereotyped part of our constitutional machinery.

Amendment, by leave, withdrawn.

Amendment: "In Sub-Section (2), page 7, lines 8 to 13, to delete the words 'that is to say, a civil member being the Parliamentary Secretary to the Minister for Defence who shall be responsible to the Ministry of Defence for the finance of the Military Defence Forces and for so much of the other business of the Council of Defence as may be from time to time allotted to him by the Minister for Defence, and'" (Deputy Cooper). not moved.

**ATTORNEY-GENERAL:** I move the following amendment, which has the effect that I have just stated:—

In Sub-Section (2), page 7, line 9, to delete the words "the Parliamentary Secretary to the Minister for Defence" and insert in lieu thereof "a member of Dáil Eireann," and in line 10 to delete the words "Ministry

[Attorney-General.]  
of " and to substitute therefor the words " Minister for " and in line 13, after the word " Defence " to insert the words " and who shall act as Parliamentary Secretary to the Minister for Defence."

Amendment put and agreed to.

**Mr. HEFFERNAN:** I move:

After sub-section (2) to insert a new sub-section as follows:—

The military members of the Council of Defence shall not by virtue of their office as members of the Council of Defence receive any special remuneration in addition to the salaries attached to their rank."

My object in putting down this amendment was for the purpose of gaining information. I notice there is no specific reference to remuneration for members of the Council of Defence. I would like to hear from the Minister or the Attorney-General if there will be any special remuneration in addition to the ordinary pay which will go with the rank of the officers constituting the Council.

**General MULCAHY:** Their pay will be the pay which goes with their offices as Administrative Officials such as Chief of Staff, Adjutant-General and Quartermaster-General. They do not receive any additional remuneration because of the fact that they will be persons who will act on the Defence Council.

**Mr. HEFFERNAN:** In view of that explanation, I withdraw the amendment.

Amendment, by leave, withdrawn.

Amendment: " to delete sub-section (3) " (Liam O'Daimhim) not moved.

**Mr. JOHNSON:** I move: " In sub-section (5), lines 29 and 30, to delete the words " military " and " respectively."

This raises the question of at whose pleasure will the non-military members of this Council hold office. The sub-section reads: " The military members of the Council of Defence shall respectively hold that office at the pleasure of the Minister for Defence." We are asked to say that the members shall

respectively hold that office at the pleasure of the Minister. Does that mean that the holders of this office may be dismissed from being members of the Council for Defence? If so, then we are arriving at a position in which the Minister shall be responsible for appointing members of the Council, irrespective of the offices that they hold.

**ATTORNEY-GENERAL:** If I may be allowed to interrupt, I would direct attention to the next amendment, which I would urge the Minister to accept. If it were accepted, the sub-section would then read: " The military members of the Council for Defence shall respectively hold that office at the pleasure of the Executive Council, acting upon the recommendation of the Minister for Defence."

**Mr. JOHNSON:** That would meet my point.

**Mr. ALTON:** The term " respectively " seems to have no meaning there, and to be superfluous.

**ATTORNEY-GENERAL:** If the deletion of it makes better English, in that respect, I humbly defer to the University Deputies.

**AN CEANN COMHAIRLE:** I feel that we will have to treat amendments 11 and 12 as not moved, and allow somebody to delete sub-section (5) and insert a new sub-section.

**ATTORNEY-GENERAL:** I move that sub-section 5 be deleted and a new sub-section be inserted as follows:

" Each of the Members of the Council of Defence shall hold that office at the pleasure of the Executive Council acting upon the recommendation of the Minister."

Question put and agreed to.

**AN CEANN COMHAIRLE:** That disposes of Amendment 13 as well.

**Mr. HEFFERNAN:** It practically does, except my amendment does not contain the words " on the recommendation of the Minister." I do not think, however, it makes any vital difference, so I shall not move it.

**AN CEANN COMHAIRLE:** Amendment 13 not moved.

**Mr. NAGLE:** My amendment No. 14, is to delete Sub-section (6); but Amendment No. 12 has made a change, and this and the promise of the Minister for Defence, made, I think, yesterday, to insert after the word "responsible" in line 33, the words "collectively responsible to the Minister for Defence for all matters entrusted to it," meets my point, and I shall not, therefore, move the amendment.

Amendment No. 14 not moved.

**ATTORNEY-GENERAL:** I move in Sub-section (6), line 33, after the word "responsible" to insert the words "to the Minister for Defence."

**AN CEANN COMHAIRLE:** The Sub-section would then read: "The Council for Defence shall meet and act as a collective body and shall be collectively responsible to the Minister for Defence for all matters entrusted to it in its collective capacity whether by an Act of the Oireachtas or otherwise."

Amendment agreed to.

**The PRESIDENT:** I move that the Section, as amended, be added to the Bill. In making that motion I have to take into consideration the suggestion made by Deputy Johnson that we might defer the Section to a later date, but I have also to take into consideration the fact that the Section was the subject of an amendment which would delete the whole of it. That amendment was defeated, and, generally speaking, I might say, there has been substantial agreement in the House with regard to the acceptance, not alone of the spirit, but of the letter, of the Section. I do not think that if it were postponed we would receive further amendments with regard to it, or that any amendment proposed would materially alter the substance or matter of the Section, and perhaps the Deputy would reconsider his attitude and allow it to pass now.

**Mr. JOHNSON:** I do not press the matter at all. It occurred to me, when I made the suggestion, that there may be a grievance because of the understanding late last night, and while I take note of that, and it ought to be taken note of, I recognise again that we are now in the Committee Stage and that

the whole work of the Committee will have to be reported to the Dáil and can be dealt with on that occasion.

**AN CEANN COMHAIRLE:** I think the Deputy who moved to delete the Section could not now speak on the question "that the Section as amended stand part of the Bill" without repeating himself; and the amendments passed, I think, if I recollect the discussion aright, go towards satisfying some of the difficulties the Deputy found to the Section itself, so I do not think there is any injustice. I will take the motion "that the Section as amended stand part of the Bill."

Question put and agreed to.

**The PRESIDENT:** I move to report progress, and ask leave to sit again.

Agreed.

## DAIL RESUMES.

Progress reported, Committee to sit again on 16th January, 1924.

## PRIVATE BUSINESS. TRANSPORT AND COMMUNICATIONS BILL.—SECOND STAGE (RESUMED).

**AN CEANN COMHAIRLE:** The debate on the question "that this Bill be now read a Second time," which was continued yesterday, was further adjourned to to-day, on the motion of Deputy Gorey.

**Mr. GOREY:** My contribution to the debate will be as short as I can make it. I understand the Government are anxious that this matter should be got through this evening, so I shall endeavour to facilitate them as much as I can. During the debate I heard it said, and it was news to me, that we have 170 Directors attempting to administer the railways in the Saorstát. That appears to me an extraordinary state of affairs amounting almost to a scandal. A line was instanced in Scotland with the same amount of capital that is ruled by 7 or 11 Directors—it does not matter which. Speaking as a member of the public I think it would be a good thing if we had some means, whether by unification or group-

[Mr. Gorey.]

ing or some other system, which would do away with these 170 Directors and reduce them down to something reasonable. I say that as a member of the public, and I will go further, and say as a small shareholder, that in the interests of the shareholders it is about time to remove a considerable amount of these parasites off the backs of the ordinary stockholders.

Deputy Davin last evening, in dealing with this question of railway nationalisation, gave me, and the Party to which I belong, as much space in his speech as he did the subject matter of the Bill. He gave us a history of the elections down in Leix and Offaly, but that history was as remarkable for what it omitted as for what it contained. He told us we had three candidates and that we only polled 5,400, but he never mentioned the fact that there were two other farmers' candidates in the field, and that we were fighting amongst ourselves. Neither did he mention the previous election at which he polled something like 15,000 votes, while at the last election he only polled 6,000. I think when giving us the history of the elections, in Leix and Offaly, he had a right to give us all the history. His statement yesterday evening was so exaggerated and so inaccurate, with regard to things that I happen to know, that it left me in considerable doubt. I doubt very much, judging from what I know, and hearing his statement with regard to the things I know, the accuracy of his statements in regard to the things I do not know anything at all about. He said something about taking ships at the port here of Dublin for three months and then handing them back to English companies.

I do not know why we have so much mention of English companies, and of English this, that and the other thing. These boats were always the property of the company that owned them, and after we had used them they still remained the property of the company that owned them. We never owned the boats at all, and if they went back to an English company, they went back to the people who owned them. This matter of introducing mention of

English companies appears to me to be done in much the same spirit as the mention, last evening, of the English King. It is done to mislead, and in an effort to throw mud. When I was listening to the Deputy last evening, the impression left on my mind was that I was listening to a platform politician and not to a statement of facts. When a man refers to either English or Irish, I would prefer if his references had relation to efficiency, integrity and honesty, and that the references were not made merely for the purpose of calling attention to where a man or a company came from. When I hear a man going about and saying, this is an Irish company, or this is an Irish firm, or an Irish invention, when I hear him prefacing his remarks in that way, I begin to think that I am dealing with a rogue who is trading on nationality as against merit. That sort of talk is not argument at all, and I think we ought to have done with beating that old drum. In fact, I thought it was beaten to death long ago.

Deputy Davin last evening referred to a speech of mine made in reply to the Governor-General's Address. He appeared to express a pious horror at my view point, which was, that it was the duty of the people themselves, or the duty of the Government of the country, to see that industrial disputes between two parties were not allowed to exercise a stranglehold on the whole life and trade of the country. That, of course, may be a matter of absolute indifference to Deputy Davin and his people, but it is not a matter of absolute indifference to the rest of the community. Why, I ask, because of these disputes, should they be left hungry, or their produce be allowed to rot on the land? As I say, that may not be a concern of Deputy Davin, but it is a matter of vital concern to the community as a whole. It may be a matter of very little concern to the community generally what the merits of these disputes are; what concerns the people is to be able to live, to avoid loss as much as possible, and to preserve the life of the nation. I do not think it was the duty of the people to sit quietly for months and see their produce rotting,

to see their children hungry or to be obliged to suffer all the inconvenience, hardship and loss caused by strikes here in Dublin, where the point at issue was whether a man should be paid 15/- a day or 16/-. I think if Deputy Davin took into account the human element involved in these disputes, that he need not be surprised at the determination of the people of this country to find an outlet for themselves, independent altogether of the parties to these disputes. Unless the people were imbeciles or sots they certainly should take steps to provide for themselves.

If the Government of the country is going to govern in the interests of the people of the country, they

5 o'clock. will set up an organisation to secure that no section of the people shall be victimised while some parties are engaged settling their disputes on a question, perhaps, as to whether a docker in Dublin is to be paid 15/- a day or 16/- a day.

**AN CEANN COMHAIRLE:** Is the Deputy aware of the matter under discussion?

**Mr. GOREY:** I am aware of the matter under discussion, but I am also aware, with all respect, of the speech which the Deputy delivered here last evening, and I have that in mind now.

**AN CEANN COMHAIRLE:** I had not the pleasure of hearing Deputy Davin yesterday evening, but I desire to remind Deputy Gorey that he has not touched upon this Bill yet.

**Mr. DAVIN:** On a point of explanation, I wish to say that when speaking last evening I quoted the exact words, which Deputy Gorey used, from the Official Report, and I do not think the Deputy can take exception to that.

**AN CEANN COMHAIRLE:** I am not going to go into that. The question now is, whether this Bill should be read a second time.

**Mr. GOREY:** It was because of references the Deputy made in his speech last evening that I alluded to these matters. Deputy Johnson, when introducing this Bill, said: "This, I may tell the Dáil, is not a Bill which fulfils all the equities, as I would conceive them.

It is very generous in its interpretation of the rights of stockholders. It is such a Bill as might, without any stretch of imagination, have been introduced by Deputy Hewat combined with Deputy Gorey. It is not, as I say, a Bill which fulfils all the equities as I conceive them, but it is a Bill designed to secure general support. Certainly such a Bill as I would like to see enacted would require a considerable period of education of the public, and the circumstances of the day do not justify, perhaps, experiments of a kind which might be risky." [Official Reports 23rd November, 1923, p. 1198.]

I would like to know really what Deputy Johnson would have in his Bill if his idea of equities had full play. I think he had a right to take us into his confidence and give us a rough outline of what he would do if the thin end of the wedge, which this Bill represents, gets any kind of an effective foothold. The Bill, he said, did not fulfil the equities as he conceived them. It is a pity he did not tell us how much further he would have gone. One of the reasons, I take it, why this Bill has been introduced is that the State would be a preferable master to a Company. From our experience of public bodies we have learned this, that they have always been more liberal employers than private Companies. Public bodies, such as County Councils, have always been very liberal in their terms of employment. That is not to be wondered at, especially in recent years, when a good many of these employers, in their capacity as representatives on public boards, are absolutely irresponsible. They contribute nothing whatever to the rates. Therefore they can easily be liberal in their terms of employment. Some of the County Councils, and other public bodies throughout the country, have reached the stage now that they are almost semi-State controlled, and they are anything but a credit or a tribute to efficiency or economy.

I would like to tell the Dáil my conception of the real reason. The real reason is that the present enormous freights and passenger charges must be radically reduced, not by ten or twenty per cent., but by a different percentage altogether. To meet this inevitable re-

[Mr. Gorey.]

duction, money must be found somewhere, if the present overhead charges are to continue. The real reason is that the revenue of the railway companies in future will not be sufficient to carry the present overhead charges, and that the money of the State is needed to subsidise the earnings of the companies. The help of the Central Fund is needed in order to continue to pay the present rate of wages, to keep the eight-hour day in force, and to keep the present staffs employed. We have been told about efficiency, better service, and all the rest. It would shorten this debate considerably had we been told the real reason at first.

With regard to the terms offered, a comparison has been made with the recent Land Act, and that comparison was very much enlarged upon by Deputy Johnson. Deputy Cooper also alluded to this basis of purchase, and Deputy Davin, I think, further emphasised it. It strikes me that these Deputies, whatever they may know about railways, do not know very much about the land question. I am not surprised at Deputies Davin and Johnson, but I am surprised at Deputy Cooper. Let us take the position of the railways. The companies bought the lands and constructed the railways. Therefore, they have a proper and just right to their property. What comparison is there with land or homesteads? I will not go into the question of whether the landlords bought the sites of our Irish homesteads or not. That is rather too old a question now. When we did not consider that matter before passing the last Land Act, it is a bit late now to talk about how the landlords came into possession of the land. We will, however, talk about who erected the homesteads and the other property on the land. Did the landlords erect the homesteads or the fences? Did they carry out the drainage and provide access to the holdings? Did they sustain the fertility of the soil? In ninety-nine per cent. of cases the landlords did nothing. I am wrong in saying that the landlords did nothing. They did. They levelled the homesteads over considerable tracts of country. I apologise to the landlords for making that mistake.

I will not now discuss the Land Act terms, or whether the price given to the landlords was fair or not. I hope, however, that the Minister for Agriculture will remember who levelled the homes on the untenanted land of the country, and see that the cost of the erection of the new ones is charged to those who levelled the old ones. There is no comparison whatsoever between land purchase and State purchase of railways. The landlords' interest is more than fairly met in the terms of the Land Act. What is the price of the tenants' interest in Irish land? That interest has been going on and has been growing for years. The railway companies own both interests. Do the terms of this Bill, based on the price of the landlords' interest, meet the tenants' interest and the landlords' interest? There is no sensible or fair comparison, even according to the equities that Deputy Johnson referred to. This Bill, Deputy Johnson tells us, does not give us the expression of his mind. I would like to get the real expression of his mind, his line of thought, and what he would do if he had a free hand. This is a child of compromise—a child of opportunity! Deputy Davin tells us that to meet dividends, recently, the companies had to draw on Government subsidies.

**Mr. DAVIN:** Tax-payers' money.

**Mr. GOREY:** I do not know anything about the honesty or dishonesty of the companies' balance sheets. That is a question Deputy Davin could have raised in another way. If he had chosen to charge the companies with issuing dishonest balance sheets, or with dishonest administration, there were other occasions to do it. We should not imagine, when we are dealing with this Bill, that we have the real article. This is only a pussy cat, but it might grow into a lion cub and become very dangerous to the community. This Bill is the beginning of nationalisation and of socialisation. Before we take a step in that direction we ought to be very careful where the road leads to. I listened very attentively to Deputy Davin, and his remarks in reference to matters that I am acquainted with were so exaggerated that they were almost

inaccurate. However, I believe a good deal of what he has stated. I believe that if we cannot subscribe to nationalisation—which I certainly do not—that it is time for the Government to map out a bold policy in connection with the railways, in order to remove the present scandal and the inefficiency that exists. I believe if it were a question of benefit to a company or shareholders as against loss of a directorship, that most of the directors would choose the loss to the shareholders and retain the directorship.

**Mr. P. J. EGAN:** I have read with a great deal of care, with a great deal of interest, and, I must admit, with a considerable amount of sympathy, the Bill which Deputy Johnson has placed before the Dáil, in reference to the nationalisation of the railways, and dealing with the transport problem of the country in general. I think that we owe a debt of gratitude to Deputy Johnson for the introduction of this Bill which, with all its faults and demerits, and they are many, will, at any rate, have the advantage of focussing public opinion upon what I consider to be one of the most vital problems in connection with the general agricultural and commercial prosperity of the country. Deputy Johnson, in introducing the Bill, said: "I want to say that it is not put forward in deference to any pre-conception regarding nationalisation or State ownership, or collectivism or anything of the kind."

**AN LEAS-CHEANN COMHAIRLE**  
took the Chair at this stage.

**Mr. EGAN:** I felt at a loss to understand why such an enthusiastic advocate of railway nationalisation as Deputy Johnson is, should find it necessary to dissemble his love for his Bill, because whatever preconceptions he might have had when he approached it first, in the course of the preparation of his Bill he certainly did succeed in educating himself into a very considerable enthusiasm for his subject. With regard to the question of railway nationalisation in general, I may say that at one time it was a question to which I gave a considerable amount of study, and I must admit frankly it is a subject

to which I am very considerably attracted. I go further and say that I believe it is quite probable that eventually some form of State nationalisation will be found necessary. I wish to emphasise the word "eventually," because nationalisation of railways is, I think, a matter that should be approached by slow degrees and by steps. I think Deputy Johnson himself, in the course of his remarks, when introducing the Bill, did use the word "eventually."

No one who has really studied the railway system of this country can for a moment hold that it is a perfect system, that it is a system which fits in with the needs of either the agricultural or commercial community, or that it has for its object any serious intention of trying to develop the natural resources of the country. In criticising the railway system of the country I would like to lay stress on the fact that I do not criticise the personnel of the railways, the directors or the management. I do criticise the system. It is the system is wrong. There are various characteristics of the railway situation which might be referred to, and Deputies on the other side of the Dáil have dwelt considerably on some of them. To my mind one of the outstanding features of the railway situation is the fact that the railways of the country are undoubtedly over-capitalised; that there is a good deal of watered capital. One has to go back a considerable time to find a cause for that. Probably the greatest cause of the over-capitalisation of the railways of the country was the tremendous sums of money which were paid originally for acquiring the land upon which they were built, and the tremendous sums of money which the Bills themselves cost when promoted in Parliament, as well as various other extravagances and abuses which cropped up in the forties and fifties when a lot of the railways were built.

Reference has been made to the number of directors, and unquestionably nobody can logically maintain that 170 directors could conceivably be necessary for running the railways in such a small country as Ireland. I am aware that amongst these directors are men identified with some of the biggest commercial interests in the country,

[Mr. Egan.]

and that they are men who have made their mark in very many commercial ventures of their own. The system by which the railways of the country are run primarily in order to earn dividends for shareholders, rather than for the purpose of developing the resources of the country as a whole, is wrong. Although a certain number of these directors have undoubted commercial experience, I am afraid it must be admitted, with very great respect to them, that very few of them have any actual railway experience whatever. Accordingly, many of them hold the position by virtue of having made their mark in other spheres of the commercial world. One of the greatest grievances that I personally have against the railways is that concerning the preferential rate. That is a matter I feel very strongly about indeed, and it is one that affects nearly every trader and nearly every farmer in this country. By the preferential rate I mean one by which people send goods from the other side into Ireland and are able to send their goods at a far cheaper rate than people can send goods from one part of Ireland to another. I am not going to worry the Dáil with figures. Deputy Davin, in the course of the very able speeches he made on this matter, gave a good many but it would be very easy to multiply them *ad infinitum*.

I think, on the whole, that Deputy Johnson and the Labour Deputies have, to give them their due, established a fair *prima facie* case for some sort of eventual railway nationalisation. There are, of course, a good many faults in the Bill.

It has to be remembered that various Commissions have inquired into the railway situation in Ireland and that at least two of them, to my knowledge, have pronounced in favour of State nationalisation. I do not want to refer at great length to the success of State railways in other countries, but it is undoubtedly a fact that in nearly every other country there is some form of State railway or State control. There are two notable exceptions—and I admit they are notable—England and America. So far as I am concerned, I am satisfied that there is, as I have said,

a good *prima facie* case for some form of eventual nationalisation.

I wish to refer to the terms of purchase of the railways, and in that connection it is a very curious thing that, although we have heard a good many speeches from the promoters of the Bill in reference to railway nationalisation, and although sundry red-covered books have been quoted with which I am familiar, it has not been mentioned that all these books refer to the fact that there is at present on the Statute Book of the English Parliament an Act brought in by Sir Robert Peel's Parliament enabling the Government to take over the railways on the basis of twenty-five years' purchase of three years' average profits prior to the time of being taken over. It was a very remarkable fact, though perhaps it was not so very remarkable, that no reference was made to Sir Robert Peel's Railway Act enabling the State to buy over the railways. I suppose the explanation was that the provision regarding twenty-five years was a little difficult to stomach. Contrasting Peel's terms of purchase with those of Deputy Johnson, I am afraid the unfortunate shareholder has not any particular reason to congratulate himself upon the generosity of the terms offered by Deputy Johnson. A great deal has been made of the analogy of the Land Act, but I do not believe that there is any analogy at all. It must be remembered when the original shareholders put up capital to build the railways they did so under the protection of an Act of Parliament, and it is not right to take from the successors of those original shareholders part of the money subscribed under the protection of the State. I do not think that that is a procedure which would stand in common fairness. Deputy Johnson in this Bill says that Section II. constitutes a railway tribunal to consist of three persons who will determine the terms of purchase. The tribunal would be appointed by the Executive Council. The Chairman must have held high judicial office, and the other two Commissioners would be qualified accountants, one of whom would be appointed after consultation with the railway companies. In other words, the unfortunate railway shareholders would find



themselves in a distinct minority and would have very little voice as to the terms upon which their property is to be taken over. What is the particular object of appointing a railway tribunal to deal with the terms of purchase when you immediately tie their hands and tell them that they are to buy at fifteen years' purchase? I think any fair-minded person will admit that there is a vast difference between fifteen and twenty-five years' purchase.

Deputy Johnson, in his address in introducing the Bill, also referred to the particular class of certificate which the various kind of stockholders will be given. He says: "It is intended that railway stock will be issued by the State in exchange for present holdings, the stock being either in the form of redeemable stock certificates carrying  $4\frac{1}{2}$  per cent. or terminable annuity certificates carrying  $4\frac{1}{2}$  per cent. for the first five years and  $4\frac{1}{2}$  per cent. for sixty-seven years."

Now, with regard to that, and looking upon it from the shareholder's point of view, it is utterly immaterial what particular class of certificate he gets in exchange for his property once you have determined that he is to be bought out under a definite number of years purchase. Fifteen years purchase are the terms he is getting, and the particular class of stock certificate which he is going to get makes no difference to him as he is getting fifteen years purchase and no more. All this talk about different kinds of certificates really amounts to a certain amount of exuberant verbosity. It means nothing so far as the pockets of the unfortunate shareholder are concerned. Now, although this Bill deals mainly with railway nationalisation, there is one Section, the very last one, which gives me a considerable amount of food for thought. I refer to Section 48 which "enables the Executive Council to transfer to the Minister the powers of any Department of State in reference to transport and communication, and requires him to consider the present position of such services, the facilities provided thereby, and the possibilities of their further development, extension and co-ordination in conjunction with the railways and postal services, as part of the national

Vol. 5.

system of transport and communication services and shall submit to the Oireachtas a report thereon." I am sorry that Deputy Johnson and the speakers who followed him did not explain that Section more fully. All the rest of the Bill practically deals with railways, but this particular Section opens up an extraordinary vista of possibilities. It seems to be like legislation on a somewhat wholesale scale—road, motor, aerial and other transport and communication services—in fact Deputy Johnson wants to nationalise the atmosphere. Although I am in considerable sympathy with the general principle of nationalisation, I think it is a case in which we should hasten slowly and it is because I would like to see railway nationalisation started on a decent footing, and with a reasonable chance of success and with everything in its favour, I cannot see my way, in spite of my strong predilections towards nationalisation of railways, to vote for this Bill.

Furthermore, it must be admitted that there has been an enormous amount of legislation put through this Dáil. The legislative pace has been rather hot, and unless we are careful, the country will suffer from legislative indigestion. I think that measures of this kind, which affect the material interests of the country to such a vital extent, should be thought out very carefully, and I believe the first step in the preparation of the country for an ultimate scheme of nationalisation should be some form of unification or co-ordination of all the existing railways. There are undoubtedly too many railways, and there should be one definite co-ordinated policy. I sincerely hope in the near future the Government will tackle the railway situation in some fashion or another, and prepare the ground for eventual nationalisation, but I shall vote against this Bill.

**Mr. O'CONNELL:** Deputy Egan is to be congratulated on the fact that he is one of the very few speakers against this measure who has kept in mind the motion before the Dáil. Most of the others were inclined to get off the rails a bit. We are engaged in the Second

[Mr. O'Connell.]

Stage of the Transport and Communications Bill. It is a fact, according to our Standing Orders, that the debate must be confined to the general principles involved in the measure before the Dáil. Before Deputies make up their minds as to how they should vote, therefore, they should address themselves to finding out the general principle involved in the measure on which they are to vote. It seems to me quite clear that the general principle involved in this measure which we are now discussing is whether or not it is a good thing that all the available means of transport should be acquired by the State and owned and controlled and directed by the State. That is the principle involved, and the ways and means by which that is to be brought about seem to me to be details. Deputy O'Mahony spoke of this measure being something equivalent to confiscation. The question of confiscation does not arise. The principle of State purchase, and the rights of property stockholders are a portion of this measure.

**Mr. O'MAHONY:** State purchase on certain stated terms.

**Mr. O'CONNELL:** That is the point I wish to draw attention to.

**Mr. O'MAHONY:** One is the complement of the other.

**Mr. O'CONNELL:** Those responsible for introducing the Bill have given the Dáil an idea of what they think reasonable terms considering all the circumstances. It is not they who have the decision of those terms. It is for the Dáil to decide whether a maximum of 15 years' purchase is a proper and fair maximum, whether another maximum should be fixed, or whether there should be any maximum. The principle involved is State Purchase. The terms are matters of detail and are not involved in this stage of the Bill. What is involved is the extension of a principle which has already been admitted and is already in practice. Deputy Gorey spoke of getting in the thin end of the wedge or giving the wedge a foot-hold. Apart from the fact that wedges have not feet, the thin end of the wedge is

in already. Some forms of transport are protected by the State. Some are controlled by municipal authorities, and some are the property of private individuals, concerns and companies. If those who are opposing this principle of nationalisation were to be consistent, they would argue that the Post Office should revert to private enterprise or to private trading concerns, or that the roads of the country should be handed over to private companies who would run them and charge people who travelled on the roads a toll for the benefit that would accrue by travelling on them. That appears to me to be the consistent attitude of those opposing the principle of nationalisation to take up. The opposition to nationalisation arises principally from preconceived notions. We have in this country the knack of fixing on shibboleths and setting them up as gods to be worshipped or demons to be dreaded. We have the god of private enterprise, for instance. There are some people who seem to think of it in terms no less than if it were deserving of worship. We had an instance on the other side the other day. I think it was the Minister for Agriculture, in speaking of some proposal in connection with a meat factory, who said "Socialism." That clinched the argument. We all felt our flesh creep when that term was used. It is the same with Deputy O'Mahony in connection with nationalisation and Bolshevism.

**Mr. O'MAHONY:** Deputy Johnson used the expression "Bolshevism."

**Mr. O'CONNELL:** We conjured up in our minds the leader of the Labour Party, stalking through the land with a dagger in his teeth and a pistol in each hand, thirsting for the blood of Deputy O'Mahony. We are more afraid of an abstract idea than the reality. It is enough for some people to mention the word "nationalisation" to set them against it.

Private enterprise, socialism and nationalism are either good or bad according to whether they make for the good of the community or are detrimental to it. There are forms of private enterprise that not only should not be encouraged, but should not be

tolerated, as the Minister for Home Affairs would, no doubt, tell us. The very progress of civilisation is a getting away from private enterprise of one kind or another. I suppose primitive man was the greatest exponent of private enterprise, and then we have also had the family and the tribe. Progress and civilisation mark the subordination of self, of individualism, to the good of the community as a whole. We hear a good deal from time to time—and such talk is fashionable—of the inefficiency of State-managed enterprises. It is fashionable to believe that the State as a body can do nothing efficiently, and it is equally fashionable to believe that if a body of businessmen had to do the work of the State they would do it very much more efficiently than those engaged on it could. As I say, that is only really a fashion, just as it is a fashion for us to think that our political opponents, on all occasions, are the last word in scoundrelism of every shade. What are the facts? The State does its business—and perhaps this is the cause—under the fierce rays of the searchlight of public opinion and criticism. I have often wondered if the same searchlight were turned on some of our private concerns and enterprising companies would it not reveal inefficiency to a much greater extent even than in the case of State enterprises. One dare not say the things about the ordinary private concern that one can say against the State; we would be all up for libel. To my mind there are no essential reasons why a State-managed business should not be carried on as successfully and as efficiently as the business carried on by private enterprise.

It seems to me, too, that if we take this question of transport and communication what we should keep in mind is, what is the object to be served and whether the first object of the existence and maintenance of railways is to make a profit for the shareholders or serve the interest of the public as a whole. And if we can agree that the first and the main object should be the good of the community as a whole, then I think there can be no question whatsoever as to whether the railways should be owned and controlled by the State or left in the possession and sub-

ject to the control of private individuals or companies, because there is no doubt that the body most likely to work the railways for the benefit of the community is the State. Under private control the object is to secure a maximum of profit with a minimum of efficiency and with the least possible concern for the interests of the public. I think in the other case the position would be reversed, that while the object would be to make the railways a self-supporting concern, at least the main object would be to serve the interests of the community as a whole.

We heard a good deal about preferential rates. We heard that goods could be sent more cheaply from districts in Ireland to districts in England than they could be sent from point to point in Ireland. I think it is most important for this country that the point we should keep most in mind is its internal development, and facilities for sending goods from point to point in Ireland and within Ireland, and not so much for sending them from parts of Ireland to England or getting them from districts in England to Ireland. Certainly the prime consideration should be the development of internal communications. We all know that in the past this was not the prime consideration, and it received indeed very little consideration at all from the companies.

There is another point in this connection. We must consider the whole community as an entity. If we did not, then the interests of those most favourably situated would be the interests which would receive most favourable consideration. Take the Post Office, for instance. If the Post Office was run purely as a business enterprise it would never think of delivering letters down in Connemara, or in the Dingle Peninsula, because the cost of delivery would be prohibitive compared with Dublin or Cork. But people who live in these out-of-the-way districts have rights, too, and their rights must be looked after. I suppose if education were run on a purely commercial basis you would never think of establishing a school in Inishoffin, Arranmore, Tory Island, and these places. Similarly, if railways were to be run purely for the purpose of making a profit many of the railways at

[Mr. O'Connell.]

present in existence would be closed down because they are non-paying concerns.

The objections which have been put up seem to be pre-conceived, objections to the terms, or perhaps it is the conservative objection to a change of any kind that we have in Ireland. This may be exemplified by the statement made by, I think, Deputy O'Mahony, that the devil he knows is preferable to the devil he does not know. If it would not be unparliamentary I might ask him how the devil does he know. We do not know. But in any case none of us are satisfied, as Deputy Egan says, with the devil we do know. The other devil might be quite a beneficent chap and I doubt if he could be a much worse devil.

We heard, too, of the injury to the stockholders, but as I pointed out, that is a matter of detail. In any case, I think that the stockholder would be making a good bargain if he exchanged for a certainty something that is now extremely uncertain and perhaps in some cases does not exist at all. As against that we have all the advantages which arise from unified control, and I think nearly everyone who spoke referred to the advantages which would come from the unification of the railways. We would have more economical working; we would get rid of all these overhead charges referred to by Deputy Davin, and this overlapping and waste of effort—for there is waste of effort undoubtedly—and we would have all the advantages that arise from competition without the disadvantages due to waste of effort and overlapping.

Deputy Hewat made one statement which, coming from him, seemed to me to be rather surprising in this connection. He was not satisfied with the railways any more than anyone else, and his suggestion was that if the railways were not giving satisfaction the traders of the locality concerned should set up a means of transport for themselves. I think that the traders of Loughrea, or Roscommon, or Claremorris, would put up with a good deal of inconvenience from the railways before they would set about establishing a fleet of motor cars to transport their goods.

Mr. HOGAN: So they do.

Mr. O'CONNELL: Well, if they do they should not be asked to do it. Traders should not be put to that trouble or expense owing to the unreasonable action of the railway company. We have had various comparisons between State-owned railways and privately-owned and managed railways. I do not think it is really possible to make any comparison worth taking into account, because the circumstances of each individual railway are different. It may be the case that in some countries where you have the two kinds of railways, and I believe it is the case, that the State took over the least satisfactory railways, or those that were in outlying districts, and worked them for the benefit of the people and not as a paying concern as a whole. In any case we have the fact that, I think, up to 50 per cent. of the railways on the Continent have been nationalised, and we have no case, or at least I have not heard of one, put forward in which the railways having been taken over and nationalised reverted to private management. There may have been, but if so I have not heard of a railway taken over by the State that the service of the railway deteriorated as a result. One of the main objections of Deputy Cooper was to the position in which the public would find the railway servants. He seemed to give the impression that the railway servants at present have no political rights, and that the railway companies prevented their servants from having or exercising any political rights. Of course, as we all know, railway servants have full political rights, and we have a railway worker a member of the Dáil. I would like to ask Deputy Cooper, or those who think with him, seeing that this is the case, whether these rights have been abused by railway servants. Has Deputy Cooper on any occasion on which he went into a railway station to buy a ticket been canvassed? A railway servant has the right to do so, as he has full political rights. Has he been followed about for the sake of getting his support for one measure or another, and has every station under present circumstances, as Deputy Cooper told us would happen

under the proposed change, been turned into a committee room? There is no evidence whatever that the railway servants have abused their political rights. If that is the case we can reasonably conclude they would not be abused under the new conditions. I cannot conceive why Deputy Cooper would deny the right to a railway servant that he himself possesses. There is nothing to prevent Deputy Cooper, or any other member of the public, from going into a railway station and pestering a railway servant to give his vote in a certain direction. I have been 6 o'clock.

always opposed to this idea, another preconceived idea, that because a man happens to work in a certain position he therefore should not have the full right to exercise his civil and political rights. Civil and State servants are tax-payers and ratepayers, and they have and should have as much interest in seeing that the State is properly managed, and that the proper people are chosen to manage the affairs of the country, as any other body of men and women. If Deputy Cooper's ideas were to hold good, all shop assistants, too, would be deprived of their political and civil rights, for Deputy Cooper, when he goes into some shop, is just as likely to be pestered to give his vote in a particular way as when he goes into a railway station or post office. We know in reality these things Deputy Cooper fears do not happen, and will not, under the proposed new conditions.

We are not asked, as I say, to decide on the details of the measure at this stage. The Dáil is not asked to agree, by voting for this measure, to everything contained in the Bill. What is now before the Dáil is the main principle, whether or not transport and the means of transport are to be acquired, owned, and controlled, by the State in the interest of the community as a whole, or whether they are to continue to be run for the private profit of individuals.

I think any Deputy who looks at the question at issue from that point of view can only come to one conclusion. This question of nationalisation of railways is like many of the others we heard of in the past, such as old age

pensions and the enfranchisement of women, that for years and years were matters for debate, though everyone knew who gave the matter serious thought, that it was only a question of time until these things would come into operation. This is only a question of time too, and I think most of those who spoke against giving the Bill a Second Reading used that argument. You could see while they were in favour of nationalisation, and felt it was bound to come, they thought it better to keep it away as long as they could. That is after all, I think, a mistaken policy.

The nationalisation of railways is bound to come, and it is only a question of whether it should be now or later on.

**Mr. P. DOYLE:** I do not wish to take up the time of the Dáil, having regard to the length of the debate that has already taken place on this great problem. But I think it will be generally recognised that there is a great demand by the general public, by traders, and even by the railway companies themselves, that a definite answer or a definite decision should be arrived at on this very important national problem. The people of the country demand improved transit facilities, and a reduction of high rates. That has already been dealt with by practically every Deputy who stood up, either in support of or against the Bill. It is not necessary, therefore, to go any further into that part of the question, except to point out that inland industries are at a great disadvantage owing to the long journeys goods have to be brought for the purpose of exporting them. There, undoubtedly, must be something radically wrong when manufacturers find it much cheaper, instead of using railways for the transport of their goods, to ship them through Glasgow or Liverpool from one Irish port to another Irish port. That is an illustration of the necessity for a reduction of Irish railway rates. It is a very urgent problem. I am convinced, and I think most of the Deputies, even those who stand strongly for this Bill, believe that it is a problem that needs very careful and wise consideration before taking

[Mr. P. Doyle.]

it up on the lines set out in the Bill. As to the principle of nationalisation or amalgamation, I will say that I, at any rate, have been an exponent of nationalisation for a number of years. With the principle I agree, but I fear, at the moment, having regard to the abnormal condition of affairs in the country, that it is rather a huge problem to undertake. I think my feelings on the matter are better expressed by the comment made by Deputy Hewat, when he said that Deputy Johnson had taken some of the chestnuts out of the Government fire. In my opinion he has taken too many chestnuts out of the fire, judging by the scope of the Bill in which he includes the control of road, canal, transit, and postal communication. The reason I think so is that all these problems, all very important in their own way, and all adding to a very great extent to the progress, prosperity and industrial development of the country, each and all are institutions in themselves. If they were worked, there would be some good grounds for amalgamating them. Until they are I think it would be too great a task to undertake what is outlined in the Bill.

I have listened very attentively to the criticism, particularly of those who have opposed the Bill, that it takes a good deal away from the profits that are to arise from such business concerns. That is the point that I find in Deputy Johnson's Bill. It gives the argument to those who are opposed, and who always will be opposed to the change of any great concern, that it does not pay them personally. It is always put forward as an excuse for not changing and making a concern work as it ought. Some of those people, particularly Deputy Gorey's party, feel that they have a right, because they have some pecuniary interest in it, to carry on a concern without any regard to anybody else affected. Our principle ought to be, the greater good of the greater number. As railways are, in fact, the great arteries of the nation there ought to be some control, so that great concerns like these should not be used for the benefit of

any one particular section. In my opinion that is what has been done with the Irish railway systems since they were formed.

I think, now that we have got our own Government, with possibilities for the development of our own country in our own hands, it is about time we started to put these institutions under proper control. The management of Irish railways is, undoubtedly, for a layman, a very delicate question to touch on. There are many irregularities, if I may use the word, that one can refer to. Yet, one feels that one may not be able to put forward one's point in a way that it might convince people that there are such irregularities going on to such an extent as to prevent proper administration being carried out. I certainly say that there is a great need for a change in the administration or management of railways. It is up to the Government of the country to make some effort to change the system that has been in operation and that has been left to us, perhaps, as a legacy from the Government that we have just got rid of. There are in the whole of Ireland too many directors on the railways. I forget what the figure exactly is.

**Mr. O'MAHONY:** There are 117 directors.

**Mr. DOYLE:** The point is whether there are too many directors or not.

**Mr. O'MAHONY:** There are too many directors.

**Mr. DOYLE:** I am glad you admit it. The question of appointing an official staff for working on the railways is the chief business concern of the combined systems. It is not possible for a clerk, or for some person who has certain qualifications or interests, from a commercial point of view, to have a full knowledge of railway working. At present, the system in vogue is that managers are transferred from one railway to another. Changes are so often made—particularly in the workshops—that the output is not as great as it ought to be in the interests of the works and the shareholders. In most cases the managers are not Irish, and consequently they have not that interest in

the working of the railways that Irishmen would have, especially Irishmen brought up in railway work, and who have a good knowledge of it.

An Irishman is turned down in his own country and he has to go abroad to earn a living. In connection with specifications and contracts on the railways, there is a system in operation that prevents Irish manufacturers tendering. The bulk of railway requirements is imported from abroad. I could cite a number of articles that have been applied for, but were turned down because the companies would not change their contractors, although it was obvious the articles could be got in Ireland for half the cost. I venture to suggest that if these changes were possible in railway management, they would add considerably to the dividends of the shareholders.

As regards the manufacture of rolling stock, which was referred to by Deputy O'Mahony, the difference between home-made and foreign rolling stock would amount to £300, touching, for the moment, on coaches. The home-made article would cost £300 more than the article imported from England. I would like to go more fully into that matter, but I hold that this is not the place to do it. A few months ago a mistake, I believe, was made in regard to certain railway work. That work is now being carried out at Inchicore. There are a number of items arising out of rolling stock manufacture that I could refer to, and I will just quote one at a pre-war figure.

**Mr. GOREY:** Is it necessary, in connection with a question of this sort, that we should hear about every linchpin and every nail that is driven into rolling stock?

**AN LEAS-CHEANN COMHAIRLE:** It might be as well if the Deputy did not go so fully into details.

**Mr. HENNESSY:** I think, with all respect, that we should have every point brought out in order to discuss the matter fully.

**Mr. A. BYRNE:** I think there is really ground for protest against interruptions. When a new Deputy stands up to speak for the first time,

he ought to be allowed to continue his speech without interruption.

**Mr. WALSH:** Interruptions should not be tolerated.

**The PRESIDENT:** Perhaps I may be allowed to intervene? It may be necessary to sit beyond 8.30 to-night. I have no desire to interrupt the Deputy, particularly when he is making his maiden speech; on such an occasion I agree he should not be interrupted. I move now that the Dáil do sit beyond 8.30 to-night. There is a general feeling that we should deal with this matter now under discussion and get it finished. In order that there would be no accident, I move as stated.

**Mr. HOGAN:** I beg to second.

Motion put and agreed to.

**Mr. DOYLE:** The question of rolling stock is a very sore one, because, in a sense, it pricks some of the consciences of those who cannot see their way to support Irish products, either in their own domestic life or when they are using other people's money. In pre-war times waggons were imported by the Midland Great Western Railway Company from England at a cost of about £150. At that time waggons were made in the Great Southern and Western Railway's Works for £80. Quite recently there was an instance of where an article was manufactured here at £150, and abroad it would cost £190. At the moment, Irish railways are sending huge sums of money out of the country for rolling stock. I presume that is in the interest of the shareholders. I will confine myself now to saying that if the Government cannot accept the Bill presented by the Labour Party, I sincerely trust they will accept it as a basis for some decision in regard to the future control of Irish railways. I was going to refer to an incident which occurred some years ago in connection with propaganda for the nationalisation of railways. I will just touch upon it because I believe the influences then at work against nationalisation are working to-day to obstruct, if possible, any effort on our part to control our own railway systems.

At that time I was closely in touch

[Mr. Doyle.]

with some members of the Irish Parliamentary Party who were interested in nationalisation and undoubtedly had done good work. I approached them, I may say confidentially at the time, on the question as to the possibilities of nationalisation being realised in this country within any short time. The answer I got was that it took ten years to convince the Irish Party of the importance of it, and they believed it would take twenty years more to convince the British Government. Now that is an accurate statement of what I got at that particular time which might be ten years ago, but I sincerely trust that we ought to take a different view now from that opinion, and as I have said before, it is up to the Government now to endeavour as far as the circumstances permit to solve this great national problem. I do not think anyone on these Benches needs any convincing that the railway system in Ireland, if properly worked and properly controlled, means a full development of the industrial life of the country as regards new industry in particular, and almost all property in the country in general.

**MINISTER for AGRICULTURE :**

(Mr. Hogan) : I do not propose to speak very long on this matter. Deputy Egan has said very much of what I wished to say. I also congratulate the Labour Party—it is becoming quite the fashion—upon their Bill, but I propose to vote against it. This much at least can be said for it. It is the first concrete proposal which we have got towards the solution of an extremely difficult, an extremely intricate and extremely complex question. There was another proposal made by Deputy Hewat, speaking as a business man, but you can hardly call it a concrete proposal, and it was hardly a proposal towards the solution of any problem. His position was—and I was surprised to hear it—that there was no problem to solve. That is a *laissez faire* with a vengeance. He said that this question, this perennial railway question was a mere stalking horse, and he personally could not see why we should treat a commercial undertaking like the railways in any different way from any

other commercial undertaking. That was his position frankly. That is a surprising position for a business man to take up. We all complain at the present moment of high freights, of inefficient service, and we all know the reason well enough. We all know the reason and we can all agree on some of the reasons at any rate. I am sure that Deputy Hewat would agree that the fact that the railway system of this very small country consists of over 30 separate companies built up haphazard, not according to any plan, cannot but lead towards inefficiency.

**Mr. HEWAT:** Whose fault is it?

**Mr. HOGAN:** That is not the question; but there it is and we are dealing with existing circumstances. We all agree that that fact is one of the big causes of high freights and inefficiency. Does the Deputy seriously take up the position that it is not only not the duty of the Government, but that the Government have no right to intervene to lower freights by insisting on something like efficient organisation? I am not speaking for the Government. I am speaking as a Deputy; but I would be very much surprised if that was the Government's position, and I am very much surprised to find that that is the contribution of a business man towards the solution of this problem. I am not in favour of nationalisation at this stage and in existing circumstances. I should like to say a word or two in this connection. There are no principles involved in a business matter of this sort, there are only questions of expediency, and nationalisation is really a matter of expediency. It is a matter of expediency, a business matter, in considering which you take into account the expediency of the case and give justice to all parties concerned. That is all that is to it. I am not in favour of nationalisation at this stage. I do not hide from myself the fact that in a country like this which is predominantly an agricultural country, and which is likely to continue to be predominantly an agricultural country for a very long time, it may be the duty of the State to take special and particular measures to put the railways in at least as good a position as they are in a highly indus-



trialised country where there is a big population and very large traffic both in passengers and goods, and where, consequently, very satisfactory and favourable freights can be given. Railways present a different problem in a country like ours to what they do in a country like England. In a country like England you have big businesses, an immense population, huge loads, so that the railways can be run efficiently, and at the same time freights can be favourable. I do think that as far as the Government can go it would be their duty in an agricultural country where the conditions cannot be so favourable from that point of view, no matter how efficient agriculture is, to intervene to see that freights give fair play to the citizens and to the main industry of the country.

Is this the time to consider the question of nationalisation? Deputy Davin made a very long speech yesterday and he pointed out what tremendously high freights we had. We all know that. He pointed out that the present system is inefficient. We all know that, too, and we all agree with it. Like Deputy Egan, I would say that the blame can hardly be laid upon the management. It is the system that is wrong, but whatever the reason may be we can all agree with Deputy Davin that the present system is costly and inefficient. We need not labour these points or make very long speeches about them. They are common cause. The question is how to remedy all this—how to remedy it in view of the fact that the boundary has not yet been determined, in view of the fact that the Irish railways carry an immense traffic to England and carry an immense traffic back; that a system of through rates has grown up, that very complicated relations exist as between the English railway system and the Irish railway system; relations which were bound to develop considering that the Irish railways carry to the Irish ports, and through the Irish ports send across to England, over one hundred million tons of export every year and bring back almost the same amount.

These are the factors which make the problem at this moment extremely complicated. We could go a long way to solve all our difficulties if we could

do what Deputy Johnson felt himself entitled to do in the Bill, and that is to write off ten million pounds worth of capital. We do not feel entitled to do that, even though Deputy O'Connell may object to me referring to that on a Second Reading debate, but he will have to allow me to refer to it because it has a very direct and important bearing on the whole principle of the Bill. If we could afford to write off about 30 per cent. of the capital, and about 40 per cent. of the interest, we could go a long way towards solving the problem. That appears to me to be the biggest flaw in the Bill, and it is the only difficulty in the way. But is this, I ask, the right time to do that? Remember the history of the Irish railways for the last 10 years. They were controlled during the war. In his speech yesterday, Deputy Davin went to great length to show that the control was inefficient, and that we could hardly judge nationalisation on the experiences of the Irish railways under control during the war period. I agree with him on that, that the control of the Irish railways and the result obtained during the period of the war, when they were controlled, is not a fair test of nationalisation. They were controlled, and controlled not exactly with a view to economy.

They emerged from that control and passed through, I think, two years of revolution; they emerged from that revolution and passed through more than a year's rebellion, when the energies of a very large number of people in the country were concentrated on smashing them up. To take the railways at that point, after going through these experiences and to say "We are going to nationalise you, we are going to take you over on certain terms and we are going to give you these terms because the results you show as a business commercial concern do not deserve any better terms" is not, I suggest, fair play.

**Mr. JOHNSON:** Is the Minister not aware that we are dealing with pre-war earnings?

**Mr. HOGAN:** I am quite well aware

[Mr. Hogan.]

of that, but Deputy Johnson knows perfectly well that if, at the present moment, the railway companies were showing a profit instead of a loss that that would change somewhat the terms of his Bill. At least I hope and think so. Though I have not been taken into the councils of the Labour Party, I think that the Bill has been drafted with a view to the exact position as it exists at the moment. I see Deputy Davin smiling, and I am sure he is smiling because he knows that to be true. Is it fair in the circumstances, I ask, to take over any concern after such experiences and say "We will nationalise you at 15 years' purchase"? I say it is not fair.

**Mr. O'CONNELL:** What about the landlords?

**Mr. HOGAN:** I will come to the landlords in a moment. It is not the simple problem that Deputy O'Connell said it was. His point was that the railways should be run for the benefit of the nation, or for the benefit of the shareholders. There is no use in attempting to settle the problem in such simple terms, and anyway that is not the question here. I will accept the principle stated by Deputy O'Connell. He said that his position was that the main object of the railways was to utilise them for the national good. We all accept that, but there is no use in confusing the issue by trying to persuade people that the problem can be stated simply—the national good, or the shareholders' profits—and saying to them: "If you are in favour of the nation, if you want to see the railway system of the country serving the nation exclusively rather than serving the shareholders exclusively, then agree to nationalisation." That is not a fair way to state the case. That is not even the position taken up by the Labour Party themselves as expressed in their Bill. They realise that the shareholders have certain rights or otherwise they would not recognise, as they do, these rights in the Bill.

I have no doubt myself that unification must come, and that it must come quickly. I have no doubt that it is the duty of the Government to see that

unification comes and that it comes as quickly as possible, and to see that the system, as we have it, with over 30 separate companies in charge of the railways of the country, is scrapped, and that a unified and efficient system is put in its place. But that can be done without nationalisation. All the advantages which Deputy Davin claimed for his policy of nationalisation really are attributable, as he made it clear in his speech, to unification. I do not admit, and I think few will admit, that with the unified system and with efficient direction and management, that the State would not get better service and better results than with the unified system and nationalisation. I do not admit that at this stage. Experience may show that it is so, and I am quite willing to keep an open mind on the matter. Experience may show the necessity for nationalisation, but my position in the matter is that we must give unification and private enterprise, properly controlled by the Government, a chance first. I will say that Deputy Johnson was quite consistent in his attitude towards the Land Bill, just as he has been quite consistent in his attitude in this matter, and he was perfectly right when he asked the Farmers' Party this simple question: "You are in favour of taking over property in land on much worse terms than 15 years' purchase, and hence you cannot call this confiscation." That was a perfectly fair point.

I cannot resist the temptation of reminding the Farmers' Party in this matter that when we were debating the Land Bill I pointed out, and I hope I am consistent in this matter, that once you begin playing around with property it may lead in directions that you do not dream of. I believe that property has rights actually, but I believe, and I do not distinguish between persons, that landlords have the same rights as railway shareholders, and that one man is as good as another before the law, and that is the only principle worth fighting for. The landlord who got land from his father has the same right to it as the man who got a thousand pounds worth of railway shares from his father. If we were to enter into an inquiry as to how their respec-

tive fathers got the land or the money represented by the railway shares we would, I am afraid, be going down the steep and narrow way. That is to say, we would be going nowhere, and getting nowhere.

There is absolutely no parallel. I pointed out that the present proposal was to take over the railways at a time when they had emerged from five or six years of inefficient control and three or four years of destruction. On the other hand, with regard to the land question, we were simply finishing a bigger problem. One hundred and thirty millions had been spent on land purchase. We were merely spending £30,000,000 more. The lines had been laid down for us, fair rent courts had been set up, and we knew exactly what we were buying. Every element of the case was before us to enable us to come to a correct conclusion which would do justice to all sides. Though we may disagree as to whether it did justice or not, all the elements of the case were before us. The exact opposite is the position with regard to the railways. I think the railway shareholders are entitled to a chance. The Government, on the one side, must see that the lines are unified and that the management is efficient. After that the railway shareholders are entitled to show what the railways can earn, and at the same time that the freights they charge are such as are fair to agriculture and industry in the country.

Deputy Wilson, Deputy McKenna and other members of the Farmers' Party, and also Deputy Davin, have on various occasions asked me what I am going to do about the freights on cattle from one station to another, quoting the stations, and about the freight on pigs and freight on agricultural produce. Now the fact is that at the present moment, even with the present freights, as everyone knows, the railway companies are not earning enough to pay dividends on their existing stocks. That is the fact. You cannot solve that problem by going to the railway companies and saying, "Cut down freights on such and such an article between any two given stations." Deputies can pick out a specific case that shows a gross anomaly, where some article is carried

between two given stations at a rate that absorbs practically all the profits, and then come to me and say, "What are you going to do about it?" To reduce the present freights by 1d. you must either have more efficient management and a more efficient system or you must cut down interest on the stocks.

**Mr. DAVIN:** May I ask the Minister if it would not be necessary to have some form of Rates Tribunal in order to bring about the state of affairs he is now dealing with?

**Mr. HOGAN:** What I said was that to reduce the present freights you must either have more efficient management, a more efficient system, or reduce the interest. Supposing we had a Rates Tribunal and supposing we brought before it the case that Deputy Davin put before me a fortnight ago and said, "Look at what freight I paid for this article from one station to another." If the Rates Tribunal were to reduce the freight they would have to face the alternatives that I have stated. That is the position. There is no use in regarding this railway problem as a simple problem, and, on receiving a letter from a constituent, getting up and asking me, "What are you going to do about such an article?" In his speech Deputy Baxter warned me some time ago that the agricultural position at present was extremely serious. I know it is extremely serious. The Deputy warned me, further, that it was quite impossible to deal with it efficiently without the co-operation of the Farmer's Party and every other Party. I know that. This is a very big question, an important question, a complicated and a difficult one, and it affects farmers more than anyone else. We are entitled to have some constructive help from the Farmers' Party. I am entitled to have it, and I am speaking for myself as Minister for Agriculture. I have not got it.

**Mr. GOREY:** You have not asked it. You want people to go round with propositions in their pockets.

**Mr. HOGAN:** When I say that, I expect that we would have here in the Dáil some constructive suggestion to

[Mr. Hogan.]

meet this extremely difficult problem which affects agriculture so intimately. We have not got it. If the Farmers' Party do not like to face this question as it should be faced, they should not ask me afterwards, "Why is the freight on pigs so high between Ballyhaunis and some place else?" I want to warn all whom it may concern that freights cannot be reduced without reorganisation.

**Mr. McKENNA:** You will do without revenue if you do not.

**Mr. HOGAN:** We will do without revenue if we do not! I said we could reduce freights, and I put the alternatives. We can take over the railways. We can write off a certain amount of the capital and a certain amount of the interest. Which does the Farmers' Party stand for? They cannot have it both ways. I think they ought to state it, or at least not come to me afterwards and say, "This is a disgrace. I sent a waggon of cattle from Ballinasloe to the North Wall, and look at what I was charged." The reason I am saying this is that I want to impress upon the Dáil, and on the Farmer's Party in particular, that this railway question, which affects farming so much, and which has so much to do with the depression in agriculture, is an extremely difficult problem that cannot be solved without the good-will and co-operation of everyone, and without hard thinking and hard work. I am anxious to have constructive suggestions from them on this question.

**Mr. WILSON:** Do you want a Bill?

**Mr. HOGAN:** Someone suggested. I think it was Deputy Hewat, that we should solve this problem by giving free play to competition. Competition between whom? Whether we solve this problem by giving free play to competition, whether we solve it by unification, or whether we solve it by nationalisation—and I do not think that is likely at the moment—the problem must be solved as quickly as such an intricate problem can be solved. We are prepared to face a solution of this problem from one point of view, and from one point of view only, the control of

Irish railways by Irishmen, giving the best service to the country that can possibly be given in all circumstances, whether that takes State intervention or not.

**Mr. HEFFERNAN:** Following on the excellent and lucid statement made by the Minister for Agriculture, I feel that it would be rather difficult for me to contribute anything enlightening on this matter, because I feel that he has in his usual logical and lucid way given a very clear exposition of the condition of affairs. There is a possibility, however, that there may be some trifling point which the Minister and other Deputies have overlooked and which I might bring to the notice of the Dáil. It seems to me that there is nothing inherently wrong with the idea of nationalisation. The only thing which is wrong with it is the human factor. It is a fact that the human factor, whether under socialisation or nationalisation, does not show its best results. Some peculiar kind of stagnation seems to affect the human being when he gets into a nationalised or socialised service. I think this is largely proved by facts which are well known. There are two conditions which would justify the nationalisation of Irish railways in my opinion: (1) that the nationalised railway service should be self-supporting; (2) that under the system of nationalisation you should get better service and lower freights. I think it was Deputy Johnson stated that one of the objects of this Bill was to see that the railways were administered in the interests of the general public and he either implied or stated that the railways in the past had been run in the interests of the shareholders. If I might say so, that is a very cheap form of propaganda which is very commonly used. Judging by the actual facts I do not think it can be honestly or truthfully said that the railways in the past have been run in the interests of the shareholders. It must be acknowledged that shareholders are entitled to a certain return for their capital. I do not know if the Labour Party will acknowledge that, but I think it is generally acknowledged by responsible people.

On making a calculation I find that

the actual facts are that for the years 1904-1913 4 per cent. was the average dividend obtained by shareholders. Excluding the railways in Northern Ireland I find that the actual return received by shareholders was 2½ per cent. These shareholders could have obtained at least 4 per cent. or perhaps 5 per cent. in certain Government stocks. In face of those facts is it right or fair to suggest that railways in the past have been run in the interests of the shareholders? I do not hold any shares in a railway and I have no brief for shareholders. At the same time it is only right and fair that their point of view should be given when the matter is being discussed. The Bill is not introduced in the interests of the general public because, as far as I know, the general public do not approve of nationalisation. Certainly the shareholders do not approve of it. The only conclusion I can arrive at is that the object in introducing this Bill was that railways should be run in the interests of the railway employees.

Some remarks have been made with the object of proving the success of nationalisation in other countries. I do not know very much about some countries, but I know something by hearsay. I do not think that nationalisation has proved a great success. I understand that in Holland where the railways were nationalised and taken over by the Government, they have been again handed back or leased to private interests. Deputy Davin yesterday held up Belgium as an example of a country where nationalised railways had been a success. I believe that nationalisation has been a fair success in Belgium, but there are influences at work there which make the running of railways, whether nationalised or privately owned, a comparatively easy matter. The country is very level and the laying down of the railroads was a comparatively cheap process. The haulage of the traffic also is a comparatively cheap process. The result is that those very reasonable rates for tourist traffic were available. If the Belgian railways had been run as a private enterprise, there is no reason why they should not pay equally

as well or why those reasonable facilities should not have been given.

We have had some experience in this country of what amounts to 7 o'clock. nationalisation, because after all the Post Office is a nationalised service. I would say that our experience of the Post Office is not of such a kind as to lead us to welcome nationalisation with open arms. We know that the Post Office service has not been run at a profit, and that during the past year it was run at a considerable loss. We know that the State has had to make up the deficiency. I do not know if the Post Office has ever been run by private enterprise, but if it were possible to run it as a private enterprise, it could hardly be run at a greater loss than it has been up to the present. Then there is the case of the telephone system, which at one time was in the hands of private individuals. I believe it was paying and gave a fairly efficient service—not a very efficient one. That system was taken over by the Government. I understand it is not paying, and it is generally acknowledged that it is giving an inefficient service.

I will acknowledge that State control, as we have experienced it in the past, is not the same thing as nationalisation as expounded in Deputy Johnson's Bill. I know that in England the great desire after the war was to get rid of State control. Even the farmers were very desirous to get clear of State control because it hampered their undertakings and because the dead-hand of State control prevented any enterprise from prospering. So much so that the farmers were anxious to run their business as a private enterprise with free open competition, rather than have State control with a State subsidy.

There is one country where nationalisation of railways has been tried to a very large extent, and I must say that the results do not appear to be satisfactory—that is Canada. The principal railroads in Canada are now in the hands of the Canadian Government—that is, they are nationalised. With the exception of the Canadian Pacific Railway all the railroads in Canada have been taken over and are run and controlled by the Government. The Gov-

[Mr. Heffernan.]  
ernment has control of the Canadian Northern Railway, the Grand Trunk Pacific and the Canadian Pacific.

**Mr. JOHNSON:** How long has the Government the control of the Grand Trunk Railway?

**Mr. HEFFERNAN:** Since 1920. I think the Government built the Canadian Government railway and it controls and has been running it for years. I think the Government has had control of the Canadian Northern Railway since 1918. I will give some figures which might be of interest to Labour Deputies. In 1922 the gross earnings of the Canadian Northern Railway were 60,679,033 dollars. The operating expenses were 63,625,763 dollars, giving an operating deficit of 2,946,729 dollars, or roughly £580,000. Those figures make no allowance for fixed charges, that is interest on capital. Allowing for interest on capital, which was 32,711,546 dollars, the gross deficit for the year was 34,310,572 dollars, or roughly £6,800,000. I might mention incidentally that the operating deficit added to the interest on capital will not amount to that sum, because there is some other item to be taken into account for non-operating expenditure which I do not understand. That will make the case still worse. Therefore, the total deficit since the year 1918 on the Canadian Northern Railway was 120,346,777 dollars, or £24,000,000. This amount has apparently to be made good by the State. The Dominion Government advanced 350,032,748 dollars, or £70,000,000 to the Canadian Northern Railway. I do not think I will bore the Dáil by giving the figures for the Grand Trunk Railway.

**Mr. JOHNSON:** I think it is desirable that we should have them, if they are to illustrate your argument.

**Mr. HEFFERNAN:** I will give them to the Deputy privately. The State has been obliged to make good this loss out of State funds.

**Mr. JOHNSON:** Who ran these railways?

**Mr. HEFFERNAN:** They were run

by private companies, but now they are State railways.

**Mr. JOHNSON:** Why had the State to take them over?

**Mr. HEFFERNAN:** Because owing to the unusual conditions prevailing since the war they were not worked at a profit. The Canadian Government Railway was built by the Canadian Government and was controlled and run by it, and it has been run at a loss. When it was in competition with the private railways it was said that its services were not as good as those of the other railways and that the civility and so forth of its servants was not as satisfactory as that of those employed by private companies. The Minister for Agriculture mentioned in his usual logical fashion that two things were necessary if rates were to be reduced—that interest and also management expenses must be reduced. He left out of account the possibility of reducing freights by reducing wages. I hear “Oh” from the Labour benches. I have no particular desire to see wages reduced but I would like to see them kept up as high as conditions would allow. I understand that wages are higher in this country than in similar services in England.

**Mr. JOHNSON:** No.

**Mr. HEFFERNAN:** I say that subject to correction, but if that is so I think it would be reasonable to reduce wages to the level of those obtaining in similar services in England in order to reduce rates here. Taking the figures given before the Railway Commission, the wage of an unskilled labourer in 1914 was from 13s. 10d. to 17s. 5d. per week, but now I understand he gets 48/-, an increase of, at least, 300 per cent. I do not know if any particular class of labour is entitled to such an increase in comparison with other classes. The wages of an agricultural labourer have not increased, I understand, beyond about 80 per cent. Would it not be reasonable that the wages of railway workers should be reduced to a certain extent in order to help to reduce rates? I know you have in the country an agricultural labourer working at a comparatively low wage and

living side by side with a railway worker who gets probably twice as much for less work. That strikes the agricultural labourer as being very unjust, and it may be one of the foundations of the causes of agricultural trouble in this country, regardless of the fact that it is impossible for agriculture at present to pay wages on a level with those paid on the railways. I have taken out some of the figures given before the Railway Commission last year regarding the increase in freights. For potatoes (omitting the Great Northern Company) the rate has increased from 151 per cent. to 317 per cent.; for butter, 101 to 177; for eggs, 123 to 161; and for bacon, 148 to 256. These are the prevailing rates at present. The increase in the selling price of farm produce, according to my calculation, which does not agree with that of the Minister for Agriculture, is in the case of cattle about 20 per cent. while there is no increase in the price of oats and wheat compared with the price in 1914. The increase in the price of pigs is 20 per cent. and milk 10 per cent. A 4lb. loaf that used to be 5d. now costs 10d. Freights have gone up 300 per cent. and agriculture is tremendously hampered by such excessive rates. I consider that it will be almost impossible for agriculture to maintain itself and continue as a living industry if it has to pay the present excessive rates. The Minister for Agriculture stated recently that a reduction in the cost of living of five points would be of more advantage to the farmers than the wiping out of their rents. I cannot agree with that. I think that if there was a reduction of five points in the cost of living and if all wages came down—

**AN LEAS-CHEANN COMHAIRLE:**

The Deputy is not in order in discussing the wages question except in reference to the Railway Bill.

**Mr. HEFFERNAN:** I accept your correction. The Minister for Agriculture suggested that he would like to hear some constructive suggestion. I am not without some suggestions in a constructive direction and they are somewhat similar to those, apparently, in the mind of the Minister. I suggest

that the grouping of railways is a most useful thing, as nationalisation will not be recognised as suitable.

**Mr. JOHNSON:** Unification or grouping?

**Mr. HEFFERNAN:** I would suggest grouping as the most useful, because I think it will not eliminate all competition. In all businesses it is necessary to retain a certain amount of competition and although the railways will not be in direct competition with one another it is an incentive for one railway to compete with one group and to see that their freights are not higher than those of the other railways.

There are other matters which might be taken into account by the Government when bringing forward their Bill. I believe that a wages tribunal should be set up. That wages tribunal should re-arrange the freights, if possible, in the direction of lowering them. Either that tribunal or another should be responsible for the fixing of wages. There should be adequate representation of labour and capital upon it with a neutral Chairman, and when proper and final arrangements have been made both sides should bind themselves to accept the decision of this tribunal. In connection with grouping, there would follow a reduction in directors. I suggest no more than six directors for each group, or about ten in the case of the unification of all the Irish railways. I do not believe, as Deputy Doyle stated, that there is a director for every mile of railway, but there are too many railway directors, and the consequent expense is altogether more than is justified by the circumstances of the country. Finally, I would like to refer to the comparison between the financing of the nationalisation of railroads as expounded in Deputy Johnson's Bill and the financing of land purchase. I do not think it is fair to put them on the same basis. I do not intend to refer to any extent to the past history of the holding of land, but I think some consideration must be given to the fact that a great part of the land of Ireland was held by confiscation rights. That happened a long time ago, and it is hardly worth taking it into account. We must not overlook, however, that

[Mr. Heffernan.]

land owners in Ireland have had for years an excellent opportunity for selling their land, or their landlord's interest in the land, for a price that would secure for them a capital sum which, if invested in reasonable industrial securities, would purchase for them an income, at least as good as that which they had from their land. That being the case, it was open to all landlords to get rid of their land.

**Mr. MORRISSEY:** Are we discussing the Land Bill or the Railway Bill?

**AN LEAS-CHEANN COMHAIRLE:** I think the Deputy is in order, because he is making a comparison of the price. The comparison has been quoted by other Deputies.

**Mr. HEFFERNAN:** Taking all those circumstances into account, I do not think it is reasonable to make this comparison. The stockholders invested their money in the railroads within the past seventy or eighty years. I think time must be taken into account in such matters. I do not think it is reasonable to pass a measure which would have the effect of confiscating the property of shareholders who risked their money in these undertakings.

**Mr. D'ALTON:** After the very lengthy speeches which have been made on this Bill, I do not intend to intervene at any length. We have practically been deluged with figures, and I am afraid those figures remind me of a statement of a very able lawyer who, when acting as a junior counsel, had to meet the case of a very able counsel on the other side. He said these figures reminded him of his boyhood days when returning from school with other boys he watched an Indian juggler in the street. I believe it was George's Street in Limerick. The juggler produced volumes of paper from his mouth, but when they looked at this paper there was nothing on it. A great many of those figures we have listened to have not gone to prove any case, either for State ownership of railways or for the shareholders.

I am, on the whole, open-minded on the question of State ownership of railways, but I am opposed to it for

one solid reason. My life's experience of companies run by committees, where any body of men acquired any industry, has been that nine out of ten of those industries have been failures. What is everyman's business is no man's business. I have not heard a case made out to prove that railways under the State are to be run for the benefit of the public or that they are to be run under better management if the State controls them. I have not heard that there is to be for the workers a higher rate of wages paid than that paid under existing circumstances. No concern that is not paying can pay a wage. The present system of railways is faulty in its management. That the State should have more control over railways is to my mind an absolute necessity. You have many directors receiving salaries for so-called management of railways which they do not earn. The public are paying those salaries by excessive rates on all the produce of this country that is sent to the various markets. Unification, to my mind, in Ireland is going to be of advantage to the public. But if the Government brings forward a scheme for unification, or the scheme that I believe is already being considered, I would suggest that they should retain in their hands a certain power of control over the railways. At present we are aware of the fact that though there has been a reduction in wages and though shareholders have been getting smaller dividends, the increased rates are still in existence and the farmer is simply paying exorbitant rates for his cattle, oats and barley. On all the Irish railways the rates compare unfavourably with those in any country like Ireland with the same population and the same railway mileage. That has to be met. I do not believe it will be met by State ownership. I believe it will be met by the Government having some power over the railways, to see that the people who pay the rates, the people who send their purchases to the various markets, will not be used as a medium for creating wealth, sometimes for shareholders who perhaps got their shares, as the landlords got their property, not as men that earned them—in some cases



possibly their fathers did not earn them—but the main fact is that they are shareholders. In the past they have been paid dividends at the expense of the public. I believe that there will be a unification scheme, that it will be necessary for the Government to see that the public are protected. I think that the Minister for Agriculture should take steps to see that stock is handled in a proper way. The farmers are charged exorbitant rates, and their cattle are placed on the market in a greatly depreciated state owing to the mismanagement of the railway companies in transhipment from the wagons to the boats. The present system of handling cattle means an absolute dead loss to the farmers. The time their transhipment takes and the abuse and beatings they get mean a depreciation which the farmer has eventually to pay for, amounting to ten, fifteen and twenty per cent. in some cases, owing to railway mismanagement. I do not believe that State ownership will remedy this.

I am quite well aware of the fact that companies under private ownership, in almost every case, are far more successful than an undertaking governed by a committee who have not the real interests of the work at heart, because it is not a question for them to see that there is no mismanagement and that every penny expended brings its proper return. The Government must have more control over the railways in the interests of the public, and that must be seen to in any scheme brought forward. I certainly have heard no argument in support of nationalisation that appeals to me, nor have I seen any successful undertaking in this country except under private ownership.

**Mr. R. CORISH:** I desire, in a very few words, to support this Bill. I want to say that, so far as I can see, a good case has been made for it, not alone by members of this Party, but by practically every Deputy who has spoken. Almost all of them have condemned the railway companies in all their moods and tenses, and justly so. The very mention of nationalisation seems to be a bogie to a number of people here. They condemn it without going to the trouble of finding out whether it would

Vol. 5.

be advantageous to the country or not. The tenor of most of their statements seems to be that the Labour Party has put forward this Bill merely for the purpose of trying to increase the railway workers' wages. That is not a fact. The Labour Party are alive to the fact, the absolute fact, that the Irish railway companies are not using their lines in the interests of the country. The Minister for Agriculture congratulated Deputy Johnson on the fact that this was a good Bill, and that it was the first tangible proposition placed before the Government to deal with this very difficult problem. I think he said also that that was the opinion of the Government. If that be so, and if that is how it is looked on from the Government Benches, I do not see why this Bill should not get a Second Reading, and if the Government have any amendments to submit, that they should do so on the Committee Stage and make an earnest effort to tackle this very intricate problem.

Most of the Deputies who are supposed to have spoken against the Bill have really spoken in its favour. They have condemned the railway companies, and some of them have said that the time is not opportune for railway nationalisation, owing to the state of the country. While I am prepared to admit that one of the reasons the country is in such a bad condition, economically, to-day, is the chaos and the internal warfare of the last twelve months, I hold that in no small way the railway system has contributed to it. Ask any Irish manufacturer who has to send his goods through the country, and he will tell you that the railway facilities are responsible for the bad trade. The facilities offered by the companies in the Free State are anything but desirable. Most of the Deputies have told us that the Government should control the railways, that is to say: "Yes; we want nationalisation, but do not pretend to anybody that it is nationalisation." That is what it really means. Everybody is agreed that the time has come for Government intervention in this important matter, and I believe that before very long every Deputy, and everybody who wants to see this country develop as it

o 2

[Mr. R. Corish.]

should in the interests of the State, will realise that nationalisation is the only hope for the development of industries. They say the time is not opportune. I say this is absolutely the right time to approach this question. Industries require to be developed, and under the present system of railway working this country will never be developed, and the sooner we realise that the better. I hope that Deputies will support the Second Reading of the Bill. The Labour Party has put it forward with an earnest idea of solving this very difficult problem. It is not a question of interest from our point of view; it is not a selfish point of view that we take, but it is in the interests of the country as a whole.

**Mr. P. McKENNA:** Like other Deputies, I wish to congratulate Deputy Johnson on bringing forward this measure. If it served no other purpose than to give the Government an opportunity of putting forward their proposals with regard to the future of the railways, it will have served a very useful purpose.

As has been stated by many Deputies, the time has arrived when something must be done, and the general feeling throughout the country is that something should have been done sooner. We all understand the very difficult time the Government have had, and the troubles they had to contend with, and for that reason we forgive them a good deal. However, the question has to be now faced, and, as the Minister for Agriculture asked, what is going to be done? Deputy Johnson has put forward, as he stated, a concrete proposal. He has introduced this Bill, and we have a good deal of evidence already before us. This question was considered and reported on by a Commission which sat for four years in this country, from 1906 to 1910, namely, the Scotter Commission, which included some very able Irishmen—Lord Pirrie, one of our greatest financial experts, Mr. Thomas Sexton; and I think Col. Sir Hutcheson Poë. After getting a good deal of information from other countries, as well as Ireland, regarding the working of railways, they made their report in favour of nationalisa-

tion. We also have the report, after four months' sittings, of the Commission appointed by the Dáil, and of which Deputy Johnson was a member. On looking at the findings of the Commission, I notice that Deputy Johnson has altered his opinion from what it was when he signed the majority report of the Commission.

That report is in favour of State ownership with an independent Railway Board. It states:—

“ We recommend that the Government should purchase the Irish railways, and that the management should not be directly under a State Minister, but should consist of persons representing the interests most vitally and directly affected by railway management. A national Railway Board should be constituted which would have absolute powers of management. That Board might be constituted as follows”

—Then they gave eight of a Board.—  
“ The Chairman should be a railway expert of wide managerial experience, his nomination to be with the Government. He should hold office for a period of five years, and he should have a salary commensurate with the importance of his position. He would be in effect the managing director of the entire system.” Then the second recommendation suggests representatives of the manufacturing industries of the country to be nominated by the manufacturers. And, thirdly, that a representative of trade and commerce be nominated by the Chambers of Commerce; two representatives of agriculture to be nominated by the Council of Agriculture or other vocational council attached to the Ministry of Agriculture, which may hereafter be set up in connection therewith.

If we look at the Bill we find, as I have stated, that Deputy Johnson has altered his opinion with regard to the question of an independent Railway Board, because he asks the Dáil to allow the Ministers to nominate the Board of Control. Clauses 22 and 23 state:—

“ The Director of Railways shall be a person experienced in railway business, and shall be appointed by the Executive Council upon the recommendation of the Minister and

shall hold office at the pleasure of the Executive Council. The Railway Commissioners shall be appointed by the Minister. One Commissioner shall be appointed upon the nomination of the Minister for Finance. One Commissioner shall be appointed upon the nomination of the Minister for Industry and Commerce after consultation with such organisations as appeared to him to be most representative of manufacturing industries."

It leaves in the hands of Ministers the appointment of the Board suggested in the Bill. The Deputy may state that the same principle is involved, but it places in the power of the Minister the appointment or rejection of anyone suggested by the various trade organisations. I do not say that I am opposed so much to the Bill, and I do not think it a crazy measure, or that the Deputy is crazy for having introduced it.

The settlement of this question will be by nationalisation, but I agree with the Minister for Agriculture that the time is not yet ripe for that. What is the alternative? That is a question the Minister for Agriculture has asked us here on these benches, and he invited us to put up some suggestions or give a concrete case, something similar to what the leader of the Labour Party has put forward. Some people favour unification, and some grouping. Personally, I am in favour of grouping, and I will give you my reasons. I have had considerable experience in a branch of the farming industry, namely the live stock trade, since I left school. When I went to business in the west, in places where there was opposition between the Great Southern and Western, and the Midland, and Great Northern Railways, at every fair I went to I had canvassers on behalf of these railways pulling the coat tails off me for traffic, and it was the same with every man doing business at these fairs. This was before the Midland Railway got running powers into Limerick, and when they got these powers they became more active canvassing for traffic. Every fair you went to at Claremorris, Athlone, Clara, and other centres, there was opposition,

and you had these canvassers. After a time, two of the Companies saw they were injuring one another, and they started a private pooling arrangement at the various centres. Then the only opposition was from the Great Northern. They tried to bring traffic via their system to the northern ports. Competition is the life of trade, and we welcome that opposition because it helps to develop an industry that affects the lives and fortunes of so many of our people. For that reason, I believe that grouping is better than unification, and I think very careful consideration should be given by the Government to this question before they decide. They are dealing with very astute men in railway directors, and they are dealing with a clever man in Deputy Johnson. It may be that Deputy Johnson's Bill is a sprat to catch a salmon, and that while he is aiming at nationalisation, he would be satisfied with unification, which would be the thin end of the wedge. I do not blame him for that. The feeling of the country is, as the Minister for Agriculture stated, that the time is not yet ripe for nationalisation. The Minister for Agriculture referred to excessive railway rates, and said there is not much hope unless there is a reduction.

We are crippled with excessive railway rates in this country. Everybody knows that. What is the remedy? We see we are losing our trade. There is a country similar to ours, Denmark, and we have to meet that country in competition in the industry that affects so many of our people—the pig industry. When the war was on, Denmark's stock of pigs was reduced to nearly 600,000. The Government of that country subsidised the pig-breeding industry, and did not allow the killing of sows. The result is, that to-day they have 1,800,000 pigs in Denmark and they kill from 60,000 to 70,000 a week. In some cases the number went as high as 90,000 in one week.

What is the position in regard to our pig industry? According to the statistics we had during the war, our pig population was 794,000. There has not been any increase; on the contrary, you will find, when the statistics appear, our pig population is decreasing. Lar-

[Mr. P. McKenna.]

gely because of the excessive railway rates, we are unable to compete with Continental countries, and unless those rates are reduced we cannot continue to compete with any hope of success. I have a good deal of sympathy with Deputy Johnson's Bill, and also with the railway men. There is another thing we must face, and Labour must face, and it is this: the people of the country are nervous about allowing the Government to nationalise industries until Labour has more commonsense than it displayed here during the last few years at the Port of Dublin. Its action at the Port was uncalled for, and it would not be allowed in any country.

**Mr. JOHNSON:** The Port of Dublin has nothing to do with railway nationalisation.

**AN LEAS-CHEANN COMHAIRLE:**

The Deputy cannot discuss the Port of Dublin in the debate on the railway question.

**Mr. McKENNA:** I think I have the right to refer to the situation with regard to the stock conveyed on the railways through various channels to the markets. However, if you rule it is outside the question, I bow to that ruling.

**AN LEAS-CHEANN COMHAIRLE:**

It is outside the scope of the Railway Bill to refer to the recent position at the Port of Dublin.

**Mr. McKENNA:** The situation at the present time is that the agricultural population, forming as it does the bulk of the community, has to bear the greatest cost of taxation. For that reason I would like to call attention to the fact that according to the summaries of exports from this country in 1920, there went through the Port of Belfast £93,000,000 worth of material. Of that £15,507,000 represented agriculture and £77,888,000 represented industrial exports. Through all other Irish ports £89,000,000 worth was exported; £68,387,000 representing agriculture, and £21,265,000 representing industrial products. That will show you that the farmers are the wealth producers of the country. They are bearing the biggest part of the taxation. If the Government want revenue,

as they do, and if they wish the State to succeed and prosper, they will have to pay a good deal of attention to the stricken, paralysed condition that exists amongst agriculturists.

We have passed over three bad years—three of the worst years known in this country since the famine. It is all fine enough to talk to the effect that wages will not come down. There is a lot of talk about land. The Bank safes of this country contain more that affects the land of the country than the people generally are aware of. The farmers for the last three years, owing to the depreciation in the price of live stock and other things, have had such a hard time that unless they get some consideration, particularly in the matter of reduced railway rates, they will not be able to carry on. When we have the Government proposals before us, we will have a further opportunity of discussing this matter.

I would like to mention that from my experience of railway systems in this country, we are not improving. The present system of management has passed under two juries, and those two juries have condemned it. It is time something was done. It is most confusing to have 28 Boards of Directors in a country with, roughly, 3,000 miles of railways. At the time of the Scotter Railway Commission, the manager of the London North Western Railway said he would manage all the railways in Ireland on two days a week and have the rest of the week for fishing. It is ridiculous to have 28 Boards of Directors managing 28 companies. I favour the setting up of a Board such as is recommended in the report of the O'Connor Commission. With the present railway companies, we have had no opportunity in recent years of putting forward any grievances we had. We had not even a Rates Tribunal such as they have in England.

**AN CEANN COMHAIRLE** at this stage resumed the Chair.

**Mr. McKENNA:** In England if one had a difficulty about railway rates one could go before the Railway Rates Tribunal, but in Ireland one would merely get the usual red tape reply: "The matter will receive immediate

attention." That might mean it would not be attended to until Tibb's Eve. Unless one kept knocking at the front door one would be waiting months for a reply, and even then might receive no satisfaction. There is an obsolete Act which I hope the Dáil will remedy. It is known as the Railway, Canals and Traffic Act of 1864, in which there is the Owners' Risk rate. Anyone who signs under the Owners' Risk rate is bound down by regulations and has no ease if he puts forward a complaint. If you sign for a waggon of cattle, sheep or pigs, and suffer loss, you will be allowed £2 for a pig or sheep, and £15 for cattle. Suppose goods are stolen in transit, you cannot recover any damage. You are given the usual sympathy, but it ends there. In England they have a remedy for those grievances, and we want a similar remedy here.

There are other complaints with regard to the transit of live stock. The other day I saw it stated that in the opinion of some of the most experienced men in the live stock trade, we are losing £3,000,000 a year owing to the cruelty inflicted on cattle in transit. A big man in the live stock trade said to me the other day: "If you want to see the damage done, go to Birkenhead and see one of your cattle stripped and see the bruised mass of flesh; look also at the bacon in the shops and you will see the stroke of the stick quite clearly." In many places, particularly in the West of Ireland, they have short railway banks, and the loading of pigs is rendered very difficult in consequence. The railway companies do not move with the times. The country men have to lift pigs of 2 or 3 cwt. on their shoulders into the waggons, after being out, perhaps, all night and morning. You can well imagine the cruelty, not alone to the animal but to the human being. The railway companies could remedy this by building a few hundred yards of a bank where a special train could be run in. That is the position. At present in Northern Ireland they have this question under consideration, and they also have it under consideration in England. At an early date the matter is coming be-

fore the British House of Commons. Here is a statement on the subject:—

"Serious complaint has since reached us through Birkenhead and Glasgow as to the terribly bruised condition of cattle arriving from Ireland. A trader has pointed out that in a bunch of twelve beasts from Ireland every carcass was found to be a mass of bruises and torn flesh. At present he asserted it was the exception to see an Irish bullock free from blemish, whereas Canadian animals, after travelling 3,000 miles, did not show a trace of ill-usage. A report just received from Northern Ireland states that in a shipment from Belfast, in one case 56 cattle were dead, 33 died during the voyage, and 23 were in such a condition that they had to be slaughtered on board. It is altogether too horrible, and steps should be taken to deal severely with those parties responsible."

That is a matter that requires a lot of consideration. How are we going to compete with Denmark and other countries unless our Government here can do something in these matters? I am glad we have a Government now in the people's own hands. It is the duty of the people to nurse this infant State and to make it strong and powerful, and to develop the industries of the country, particularly the live stock industry, which is one of our principal industries and one of the principal things on which we depend. These things will be protected only by improved transit facilities. It is appalling to see what is going on at all the ports. The shipping companies and the railway companies are not pulling together. I have seen cases at the North Wall where the minute a special came in, the engine-driver walked off and the live stock were left there under the canopy of heaven for hours, and poor unfortunate men left there exposed for hours because they would not allow them into the yards. Men have been kept there day and night to protect the cattle. The result is that a lot of the cattle trade has been diverted to the North of Ireland for shipping through their ports as a result of the situation existing in Dublin. That is the reason why something should be done. We are all anxious to support Dublin. Dublin is

[Mr. P. McKenna.]

the premier port and Dublin is the capital of Ireland, and we want to see Dublin the main artery so far as the live stock industry of this country is concerned. Without the support of the Government that cannot be done. I consider the speeches made by the Labour Deputies have been very reasonable. I hope the Government will give consideration to the views put forward by them. So far as the Party with which I am associated is concerned, we will do all we can to co-operate and to make a success of whatever scheme is put forward.

**Mr. WILSON:** I will be very brief because this matter has been debated at considerable length. I just want to refer to the strictures of our friend, the Minister for Agriculture. He has stated he has never got a constructive idea from the Farmers' Party. I take it our duty is to point out to him where our industry is affected. It is his duty to remedy those conditions. If it came about that we had behind us 50 or 60 supporters, and had the finances of this State at our backs, it would not be long until we would find a remedy for the situation that confronts us at the moment. The question that we are all so concerned about is—how are we to obtain cheaper freights? If we can obtain cheaper freights by any other means rather than by nationalisation, then it is our duty to try those means first. I believe that as good results will be obtained by means of unification as you will obtain by the proposal set forward from the Labour Bench. Every argument which we have heard from Labour in favour of nationalisation would equally apply to unification. The savings which would be effected by a unified management would be such as to enable us to get those reduced rates. The grouping of railways put forward by Deputy McKenna would not give us those savings, because the returned empty waggons from one group to another would have to be hauled back and thereby expense would be incurred. So that by the grouping of railways we would not get the same saving we would get from unification.

I quite agree that when we have a series of groups we will have competi-

tion at various points. But in the conditions that exist in this country, and with the railways as they are built, unless you have all the railways under one jurisdiction and administration we cannot have any results in the way of savings, except at a few points. We can count on that saving if we bring in a Unification Bill and we can set up a Rates Tribunal.

The question raised by Deputy Davin of having three separate staffs working a town of 300 people could be remedied by unification. To my mind every argument used by the Labour Party in favour of nationalisation would be equally an argument in favour of unification. The savings which we could obtain by their scheme we could obtain by unification. We should not, until we have tried unification, interfere with private enterprise, and we should not pledge the credit of the State on behalf of any system which would mean taking money from the Central Fund to pay expenses. The whole trouble in the matter is this—that we have not enough traffic to go around to pay for the upkeep of all the railways. As the Minister for Agriculture has put it, we cannot obliterate 46 million pounds worth of capital. By unified management and by a unification system we might be able to carry on and to get these reduced rates. Failing that the only hope we have is to revert to the Labour Party.

**Mr. O'CONNELL:** There is hope for you yet.

**Mr. LYONS:** I am more than pleased to learn from the speeches of the Deputies on the farmers' benches that they seem to be entirely in favour of the Bill put forward by the Labour Party. There is one thing to be thankful for at least, and that is that we are unanimous on one thing, even if we are not unanimous on the question of wages. To my mind the Bill put forward by the Labour Party is a most interesting and economical one, and above all things it is one that I believe would solve the most pressing problem that we have to deal with at the present moment. That problem is to break the link in the chain of unemployment.

We have heard from directors of the railways that owing to the rates of wages paid to their employees they cannot possibly reduce the freights. If this Bill gets proper consideration from the members of the Dáil I am sure it will be found that nationalisation will do as much good as amalgamation. This Government, when it started to function, adopted the policy of amalgamating the different poor law institutions in the Saorstát for the purpose of economy. By their amalgamation they held out the plea that the different counties would save some £6,000 to £9,000 per annum. If through the amalgamation of workhouses in the 26 counties we effected a large saving and a great benefit to the people, I think the same would be found to apply if we amalgamated all the railways of Ireland into one body. I ask the Deputies to vote for this Bill when it comes to a division, and I am not appealing on behalf of the labourers or the farmers, but on behalf of the people as a whole. I may be merely a bird of passage, but that is the appeal I make. We are being told that owing to the wages and to the demands of the labour movement the railway directors cannot possibly reduce the fares or freights.

If a man living 50 miles away from Dublin has a beast to send to Dublin Market he has to pay £2 5s. or £2 17s. for the carriage of the animal. That is a very exorbitant figure. Then we have a Canal system, but that is worked by the railway. Why not adopt the proposals laid down in the Bill of the Labour Party? I think the Labour Party have done one thing in bringing in this Bill. It has shown the Directors of the Railway Companies that there is one body in Ireland at least anxious to apply the principles of economy in the country and also has shown how that principle could be applied. I know we have some members of the Dáil who say "What about the shareholders?" But if these shareholders would really look to the proper use of the money they have invested in the railways of Ireland they could see that it would be better employed in giving proper facilities to industry and commerce than in paying large sums to

Directors. These Railway Companies frequently spend £20,000 or £30,000 in getting an engine built abroad which could be built much cheaper at home. Two years ago they had an engine in Dublin that cost £24,000, but that engine was never yet started. That was done for the purpose of showing by the way that owing to the demands of labour they could not run the railways without reducing the wages of the workers. By supporting this Bill Deputies would show that they were genuine Irishmen and good citizens of the Saorstát. If they voted for the Bill and for nationalisation they would be voting in favour of keeping the workers of Ireland in employment and at the same time reducing rates and fares to the public.

**The PRESIDENT:** I think it is due to the draftsman of the Bill that he should know we are in agreement as to the lucidity and also as to the brevity of its provisions. It is certainly a very remarkable contribution to constructive legislation and I hope we will have many more such examples but that the speeches relating to them will be shorter and perhaps fewer. I think Deputy Johnson deserves all that has been said about him in dealing with this matter, and I think he ought to be very well satisfied with the reception the Bill has got. I am certain from what I have known of this particular problem, and I have been consulted about it now for a very considerable period, that it would not be possible to have brought in this Bill without the very closest study and very great knowledge of the railways generally in Ireland and of the whole subject. This matter of the railways in Ireland is a very intricate and complicated one. We have, I believe, 38 different railway companies in the Saorstát; and they are of various orders from the great big companies down to such railways as the Dublin, Blessington and Poulaphouca, and the Dublin and Lucan Tramway Company. I do not think in any Bill we will introduce that either of these companies will be included. There is also, I believe, a remarkable contribution to railway road construction in the South.

**A DEPUTY:** The Lartigue.

**The PRESIDENT:** With rolling stock of a very unique kind.

**Mr. JOHNSON:** Very much rolling.

**The PRESIDENT:** These 38 separate undertakings have, for the most part, separate management, staffs, rolling stock, repair establishments and other incidents of railway systems. They differ materially and radically from each other in methods, policy, service rendered, revenue earned, equipment. From the opinion given to me on the subject, I believe, that to regard them as one system the imagination has to make an effort which the facts do not support. The system, as it is, is not self-contained. In the North of Ireland it consists of undertakings which go in and out many times over the Boundary, and we must remember that that Boundary is not yet permanently fixed. Apart from that consideration and regarding the system as an internal one in the Saorstát, there are problems arising from the fact that a large proportion of the Irish trade is carried on with places outside the Saorstát, in Great Britain and in the Six Counties, and that the Saorstát railways for much of the traffic they carry are part only, and often the smallest part of the through-routes on which the system of trade has grown up to great dimensions carried at through rates. These railways form a link with Cross Channel trade and are owned, some of them, by Railway Companies, and some by Shipping Companies. The third link is formed by the great English Corporations that deliver Irish produce over Great Britain and that collect produce in Great Britain for transit to Ireland.

In any scheme for reorganisation these factors must be taken into account. The nature of Irish rail-borne traffic must be considered, the services rendered by the Irish ports and by the shipping that uses them, must be understood, and the interests which all the parties to this great system of communication have, not only in the portion under their direct control, but in the directions from which they receive traffic, must be properly appreciated. When the problems confronting the Government for solution during the past year are considered, and when the

complexity of this railway problem is appreciated, I think the Dáil will not be surprised that the Government has not within that time been able to present them with a detailed reorganisation scheme. The Bill promoted by Deputy Johnson, however the complexities of the system may have been known to the draughtsman, throws very little light on their detailed solution, but the essential principle of this Bill, as I think Deputy O'Connell said, is nationalisation, and it is, of course, on that principle, coupled with the financial provisions, that I would prefer to discuss it. The Government, I think, has come to the conclusion, not without some reason, that the Saorstát is a country that is pretty considerably governed, and to add to it the responsibilities of a very complex railway organisation, such as this is, in its very early stages, is certainly adding a burden which, I think, the State is scarcely sufficiently strong to bear just at present.

It has been compared, in so far as the proposals for the acquisition of the railways are concerned, somewhat to the Land Purchase Act, which has been passed, and which was really a sort of step-brother to a previous Act that was passed in the year 1903. Before that Land Bill was introduced in 1903, a certain agreement was reached between the two parties to the transaction, and the State came in with its credit. In this particular instance we go in with more than our credit, and we go in, not to make an arrangement between two parties, but rather to take over the assets and the liabilities of the one, and to pay to the other what would be considered a fair price. That was not exactly the situation which confronted the people concerned with finding accommodation between the landlords in 1903 and the tenants of that period. In this particular case it is proposed to take a certain income, the average, I think, for five years, and to multiply it by fifteen, and to let that be the nominal value of the transfer. In turn, that would produce what would be a 4½ per cent. stock. Whatever the agreement as regards the capital sum, it would bear 4½ per cent. interest. It would be rather difficult, and I am sure



the draughtsman of the Bill would admit this, to get anything like a normal year without going back to the year 1913. One could not accept, I think, any of the figures which deal with the intervening years.

Taking that particular year as the standard, my information is that something over one million pounds was paid in dividends to the shareholders, and in considering the question of shareholders Deputies ought to remember that shareholders in concerns such as railways are not exclusively the well-to-do. Many of their stocks, being regarded as trustee stocks, one should be very careful about tampering with a security of that sort, because you may be faced with another problem, not, perhaps, as serious, but in the long run it may have greater disadvantages even than some of the problems we have at the moment to consider. Taking the figure of one million pounds as the sum which it would be fair to purchase at—

**Mr. JOHNSON:** I suppose the President is referring to the figure of one million as an example, because in reality it is much more than a million.

**The PRESIDENT:** The figure would probably be one million two hundred thousand pounds. Taking that as the figure at which it would be fair to purchase at and multiplying it by fifteen you get a total of about 16½ millions. The amount of capital on which interest or dividends was payable was twenty-seven and a half millions, so that someone has got to lose a very considerable sum of money, and if we took the figure at sixteen and a half millions the dividend payable on that would amount to about £742,000. There would be in that case a very considerable loss, falling not altogether on those who probably buy luxuries for whatever dividends they get from the railways, but perhaps on orphans, widows, and people of that sort, as well as on charitable institutions. If you deprive any of these people, or these institutions, of revenue they will certainly look to you to supplement it in some other way. It may be reasonably stated on behalf of these people that in the case of well managed companies at that time, from the point of view of dividend paying and of con-

solidating their interests and of having reserves and so on, there was a sum earned over and above that which they would be entitled to claim as having some sort of interest in. It is customary, when one sees the reports of company meetings in the papers, to find that after a certain sum has been devoted to the payment of dividends, that so much is carried forward and so much is put to the reserve fund.

We must also remember that for the last two and, possibly, three years or more, these railways have been subjected to very considerable interference. I recollect hearing last year that the revenue of one of these railway companies was something like 50 per cent. short by reason of the interference with its business. It would, therefore, seem, from the point of view of nationalisation, that at this time when we come to consider taking over those concerns they are at their very worst, and that they are going to be sold for something like scrap. I would say to the Dáil with regard to that, that just now, in our very earliest years, we ought to approach the consideration of a subject like this very carefully, so as to maintain the position that we have acquired. That is, that our credit is fairly good and that there is generally prevalent throughout the country a feeling of confidence that there is not likely to be, either now or in the future, any schemes put forward here for consideration of a confiscatory nature. I would say that Deputy Johnson and the Labour Party have met us quite fairly with regard to that; that they do say that the real issue in this business is nationalisation, and that the details are matters upon which they are prepared to be convinced, granted that a case is put up accordingly. Since 1914, I think, it would also be right to say that with all the faults of the railway management, or all the complaints that one may make against railway directors, they have scarcely had a free hand in the management of their respective concerns.

The Government idea is that there ought to be a period of trial. Possibly that period of trial may be a period in which a great many errors may crop up. But I do not think it is at all

[The President.]

likely, having regard to the general condition of affairs, that railway directors will be utterly unmindful of the real needs of the country, of the general feeling that there is that more consideration should be given to traders and business interests, and that the railways should realise that their sole object is not to have comfortable directorships and not to be paying big dividends, but that the public generally have some right to benefits which those systems should provide for them. I should say that it would be for the railway companies and their employees, when reorganisation was carried through, to apply their best energies to the successful working of the reorganised system. The prospects of stockholders, directors, officials and employees alike, in respect of dividends, salaries and wages, must ultimately depend upon the efficiency of the railway system.

I think that it has come to this, not alone with regard to the railways but in regard to every other interest in the Saorstát, that both employers and employees alike must cut their cloth according to the measure, according to the needs of the country and the various other services. Because I do not think that it is put forward that any service in this country, either agriculture, railways, or any of the other industrial concerns, can be really independent of one another. There is a link between them, and any failure on the part of one, or failure of one, will ultimately have its reactions upon the others.

I think that it is unnecessary to assure the Dáil that neither thought nor trouble has been spared by the Government during the past 12 months in working on this question. Deputies may smile at that, but I think that most Deputies of all parties in the Dáil will realise that when there are questions, divisions, disputes or other things of that sort, it does take months to find accommodation on them. There are occasions on which accommodation is not found, and we have got to come here and put up proposals, which in some cases do not appeal to either of the parties to the dispute. Still it is

the duty of the Government to see as far as possible how accommodation may be found. We have had evidence of that quite recently. We had it some months ago in connection with the Farmers' Party, and I suppose that the turn of the Business Party or the Independents is coming, and that we will also have the same story to tell.

In addition to the great lines there are the smaller lines, some of those which I am sure the Farmers' Party know quite well—the Baronial Guaranteed Lines. There are burdens there which these Deputies understand quite well and which they find it rather difficult to bear just at present. Reorganisation as far as they are concerned is absolutely essential. The real question is, if we cannot have nationalisation, what is the next alternative? I think that the problem to be solved is how far management can be centralised. There are, of course, limitations in connection with this matter of central management which must be admitted. The Northern Boundary has not yet been determined, and no final settlement of the railway problem is possible before a final settlement of the Boundary question. I think that fact is admitted, even in the Bill, so that I am sure Deputy Johnson will have nothing to quarrel with me about that. Nothing would be gained, and many disadvantages would follow, from the application now of any drastic scheme of organisation of the several undertakings whose lines go in and out over the present boundary, and it would not be common-sense to propose to sever them. There are other considerations which require examination by any Government anxious to devise a policy best suited to the free and harmonious interchange of traffic in future between the Irish railways and the shipping lines and railways in other countries working in conjunction with them. It is well known that the English Railway Corporations, particularly the railways on the West coast of Great Britain, are interested in Irish traffic. They have incurred large expenditure on railway and harbour works in this country, and have performed many great services to the Irish trading public in the pro-

vision of shipping and railway facilities. I think it will be admitted that much Irish trade is dependent upon these facilities.

The Irish public, whether it sends or receives goods by rail, or whether it consumes the goods after they have been delivered by the railways, is under an obligation to the successive managements of English railways for the services rendered to them. I expect that we may rather rely on the maintenance and development of these facilities according to the changed needs of the time. The Government will, certainly, do whatever it reasonably can to continue to promote close working relations with these companies, with the shipping companies engaged in the Cross Channel traffic, and with the railways beyond our Northern boundary should it prove that the boundary is fixed anywhere south of the north coast.

I mention these considerations to show that the Bill now before the Dáil is perhaps a little too plain and simple and that this question is a very intricate and delicate matter of business. I am not in a position at the present moment to give a detailed indication of the Government's views on railway re-organisation. The Government has not completed its examination of all the factors involved in the problem, but it would be neglecting its duty if it put forward a scheme in which the bearing of any particular important point was obscure. I hope to present the Government measure to the Dáil before long. It is not intended to do so until we are satisfied that it is the measure best calculated to promote the interests of the Saorstát. Other than unemployment I do not know that there is any other subject which has absorbed more of our time and attention. Though we have not yet found a solution that we would be satisfied to present to the Dáil, nothing has been lost by reason of the time that has passed since the matter was first raised here. I think I have nothing further to say except that I appreciate, like every other member of the Dáil, this great effort of Deputy Johnson and the people supporting him, and the considerate manner in which they have dealt with this big subject. They have put it forward

and they have been met generously on all sides. Those who differed most with them certainly had to admit that there was great genius shown and great attention paid to the drafting of this Bill by them and that it was treated in a masterly manner. However, I think I would be failing in my duty if I did not ask the Dáil to reject this measure after what I have said on the subject.

**Mr. JOHNSON:** If the object of the Bill had been to extract from the Government some idea of what is running in their minds we have certainly not succeeded very far. The President has skimmed very lightly over the problem. He has re-stated the problem to some extent and told us what no one will dissent from, that the problem is a complex one and that some plan of centralisation is required. That, of course, may mean centralisation within a very small radius or a very large radius. But we are told the Government has not yet completed its consideration of the problem. Therefore we must wait—or rather, shall I say, the traders, the farmers, and the railway stockholders must wait.

I want to disabuse the minds of certain Deputies who cannot think that it is possible for a political party to have views on any public question which are not intended to feather the nests of the people combined in that political party. This Bill has been thought over and introduced with an eye to the public interest solely. It will not advantage the railway servants if it is passed. So far as railway servants are concerned, I honestly believe they are quite able to fight their own corner with the railway companies. If the Dáil prefers that they should remain as they are, or prefers to follow Deputy Hewat's view of the way this problem should be treated, well, the men employed on the railways can go along without very much concern at the loss of this Bill.

But we have been taunted occasionally with having a facility for expressing general ideas. We have also been challenged to bring forward definite proposals to see how far it is possible to suggest concrete plans to embody the general ideas expressed from these benches.

[Mr. Johnson.]

We have endeavoured to do so in presenting this Bill. But, as I said earlier, we have endeavoured to do so with an eye to the welfare of this country, not merely in the immediate future, but for years to come. We are not blind to the developments that are taking place throughout the world. We know that a revolution is proceeding to-day in the methods of transit and transport. We are perhaps very nearly in a fairly parallel period with the early years of the 19th century, the 'Thirties, the 'Forties and 'Fifties, when railway transport was in its infancy. A revolutionary idea was introduced with the steam locomotive. A revolutionary idea has been introduced with the rise and development of the internal combustion engine. We are looking forward so that we shall in this country be in a position to take advantage of all the new ideas in industry, in commerce, and in transit. While it has seemed that all the discussion has centred round the question of the nationalisation of railways, that is not the only, and possibly not the main idea embodied in this Bill; necessarily it occupies the greater portion of it. We have suggested that there should be set up a Ministry of Transport and Communications and that by a gradual process that Ministry should become responsible for the co-ordination of the services of transport and communications of the country—services to the community, services to the nation, services essential to national development. It has been found necessary in other countries in times of stress to have some body co-ordinating this work of transport, to ensure that these services shall be devoted to the national well-being.

We contend that that cannot be done efficiently. It cannot be done effectively if you have the various methods of transport and communication under various, differing and perhaps antagonistic authorities. We see if there were a co-ordinated system that there would be much economy, that there would be opportunities for fitting in the one service with the other service, taking the fullest advantage of the one system according to the class

of traffic or communication that had to be made, to utilise railways and telegraphs, railways and posts, railways and roads, railways and canals, and perhaps eventually railways and the air service, when it would be developed. That is a very important portion of this Bill, and I hope, notwithstanding what may be the fate of it at this stage, that the Government in its consideration of the railway problem will give due consideration to the wider and perhaps more important problem of who is to control the means of communication within this country, who is to control and co-ordinate the services of transport in this country for the common well-being. It is acknowledged by everyone who has any right to speak on such a subject that with modern development, mechanical and otherwise, inter-communication between places within the State or between the State and other States, in the most effective manner by the cheapest means, will play a great part in the development of the State. It is for those who oppose this idea of co-ordination under a single authority to prove that competitive services, rival services, antagonistic services, each conducted with a different purpose for a different end, are going to bring about the best results for the nation. I know Deputy Hewat will contend—he did contend in his speech—that it is by a conflict of interests that the residuum of best and most efficient service is obtained. "Every man for himself or every interest for itself, and the devil take the hindmost. Free competition and the survival of the fittest." Though it may be that Deputy Hewat speaks for the interest of commerce in Ireland, and that the interests of commerce are bound up with the application of that philosophy, I would submit that it is thousands of years out of date, and that although it has been revived in commerce and in industry within the last century or two, we have arrived at the conclusion that while it may produce the end desired, the cost of production of that end is altogether too great.

The waste of life and energy is too great, and we ought, as a society, as a nation, to do what the individual does,

take advantage of the foresight that has been granted and used, that foresight to avoid the waste, and the contentions and the rivalries which this system of competition—the survival of the fittest—inevitably brings in its trail. While I hope that the Government, in considering their solution of this problem, will take seriously into account the desirability of setting up this co-ordinating authority, whether railways are nationalised or not, I will be obliged to devote the greater part of what I have to say to the criticism of the proposal (which is contained in the Bill) to nationalise railways.

The critics have ranged themselves in two camps, those who would, like Deputy Hewat, prefer not to interfere but to allow matters to take their own course, to allow the various interests to fight those matters out amongst themselves. Deputy Hewat, for instance, would only have the minimum amount of interference with railway companies. If there are complaints about the rates charged on traffic, say from Dublin to Cork, he would prefer that the traders should charter steamers, and send their goods round by sea, or utilise the roads for motor traffic. That might fit in with the general trend of Deputy Hewat's conception of social life, but I cannot see yet, notwithstanding the development in mechanical science, the steamboat that is going to deliver goods or land passengers in Cork from Dublin within anything like the time that the railways will do it. If it is suggested that the only alternative to paying excessive rates or fares to the railway companies is to send goods or passengers round by sea, then I think the trading community or the travelling community will not thank Deputy Hewat for his solution. But there is the alternative of road transport. Deputy Hewat is violently against any thought of nationalisation. He speaks for the mercantile community, and he suggests, as an alternative to using the railways, that traders should use the nationalised roads. "You must not touch the railways in the way of nationalisation, but to fight the railways you are to use the collectivised roads." I wonder whether there would be really any advantage to the trading com-

munity in long distance traffic by motor if the owners of motor wagons had to pay what is really due to the community for the use of those roads. The community—as I think in some of his moments even Deputy Hewat would agree—has provided those roads, and provides for the upkeep of them out of common funds. The trading community, for whom Deputy Hewat speaks, wants to take advantage of those roads, provided out of common funds, to fight the railway companies.

Then we have the criticism of Deputy Hewat, which is repeated by one or two other speakers, respecting the alleged impossibility of successfully managing a unified, nationalised railway system by a Board. Some of the critics—especially Deputy Hewat—prefer to maintain twenty-eight or forty-six separate, distinct Boards. I submit, as against that proposition, that no alternative proposal has yet been made which does not suggest the institution of a Board either to manage, or to assist in managing, the railways. Nobody has suggested—or, shall I say, nobody has had the audacity to suggest—that someone yet unnamed would nominate a person, irresponsible and without assistance, to undertake the management and control of the roads, absolutely. I venture to say that the proposal in the Bill is the nearest proposal that has yet been made to the management of the railway system by a dictator. The proposal is that an expert in railway management should be made a director, and that he should be assisted by—not controlled by—a Board, nominated in the way outlined by the various persons, or groups of persons, whose interests are chiefly affected. I would point out to Deputy McKenna that there is an almost perfect adaptation in the Bill of the proposals of the O'Connor Commission.

The only difference in the Bill from the recommendation of the Commission, in that respect, is that the persons to be appointed to assist the Director are appointed after consultation with the bodies concerned, and not by nomination. The reason for that was that we were drafting a Bill, not making a general recommendation. We recognised, in drafting the Bill, that the interests concerned are not represented by per-

[Mr. Johnson.]

manent bodies, but by temporary bodies, and, perhaps, by bodies who would not be admitted to be generally representative of the parties concerned. That by the way.

Deputy Hewat, in speaking for the mercantile community and criticising this proposal regarding a Board, might have looked up other proposals of a similar kind. He might, for instance, have referred to the Board recommended by the Scotter Commission, which, I think, suggested that it should be constituted of over twenty persons, the great majority of whom were to be appointed by elected authorities—County Councils or Committees of County Councils. The majority of the Scotter Commission, as somebody has pointed out, were not feather-headed labour men, but comprised Sir John Scotter, Lord Pirrie, Sir Hutcheson Poë and another member, whose name I cannot recall at the moment. Their proposal was for a very much larger committee of twenty Directors, twelve to represent ratepayers and to be elected by the County Councils. Perhaps it would be interesting to Deputy Hewat, and to those who think with him, if I quoted him the proposal of that body which Deputy O'Mahony got his brief from—the Stockholders' Protection Association. They proposed a Board which might number twenty, of whom ten might be appointed members. The Executive of this Irish Stockholders' Protection Association contained quite a number of very eminent business men. Then we are charged with suggesting methods which are in fact confiscatory. Deputy O'Mahony and others on the Government benches, Deputy Hewat and one or two others, I think, hinted at confiscation, and Deputy Egan reminded us of the Railways Act of 1854, which gave the Government of the day rights and authority to take over railways at 25 years' purchase on the previous three years' average earnings, I think. Now, confiscation evidently does not enter into it when a Government has already the right to take over railways. The only question is the price, and the moral slur which is suggested when one uses the word "confiscation" fails, and it is

only a question of whether the price shall be 25 years or 15 years or 10 years or 50 years. If they are to be taken over compulsorily there is just as much confiscation in the one case as in the other. But Deputy Egan rather pressed the suggestion of 25 years. I wonder whether he really would propose seriously to the Dáil that 25 years' purchase of the five best years in railway history should be the basis of any transfer of the railways from private owners to the State. This is the proposal of the railway stockholders—25 years of the best of the 3 years ended the 31st December, 1913, plus an allowance for capital expended which is not fructifying, and interest on the sum required for the cost of winding up, including the payment of necessary compensation. It is very generous of the Stockholders' Protection Association, and for Deputy Egan, who is backing up their claims—

**Mr. EGAN:** On a point of personal explanation, I did not say that I advocated 25 years' purchase. I simply commented on the difference between Sir Robert Peel's proposal and Deputy Johnson's.

**Mr. JOHNSON:** Well, Sir Robert Peel lived a long time ago, and many things have happened since his time. Irish land has been bought, and if Deputy Egan dissociates himself from the suggestion that as high as 25 years' purchase should be given when taking over the railways, I take it that somewhere between 15 years' and 25 years' is in his mind as reasonable. I wonder how far from 15 or how much less than 25 is in his mind? Has he thought about it at all? Has he made any calculations on the matter? Has he considered what is going to be the effect of the purchase at either of these prices upon the trading public, upon the State, or upon the railway stockholders? I submit that critics of our proposals should at least have given some consideration to the problem in its effects upon each of these various interests. If the 25 years' proposal of the railway stockholders, which is not now Deputy Egan's proposal, were accepted, we would be not only giving the railway stockholders what Deputy O'Mahony would like

them to get, but we would be guaranteeing them an income on the best year in railway history, guaranteed by the State. Does anybody openly avow that that is his wish, in view of the circumstances of the time? It is even acknowledged by railway managers that in the pre-war period railwaymen were underpaid, and it was argued at that time by traders, farmers and manufacturers, that railway rates were then too high. If railway rates were too high they have to be reduced, and if railway wages were too low they have to be raised if justice were to be done to either party. Consequently if a fair average, a fair basis of calculation, is to be taken, it would be much less than the highest year of railway income, but the generous Stockholders' Protection Association, not backed up by Deputy Egan, would ask the State to guarantee the very best year of income, when the two elements which contributed most to making that high income, were justly complaining of the conditions which led to the earning of that income.

Then we have taken that five years' period as a basis of our calculation and have suggested a maximum of 15 years of that best period. It is true that it is not for us to say: "Thus far shalt thou go and no farther" if the Dáil desires. We submit that it is very generous to the railway stockholders, at least as generous as the Minister for Agriculture and the Dáil were to the landholders. Bear in mind—and I hope the President will take a note of this—that there is a difference between the chance—shall I say the limited security—of a railway company, even to trustee stockholders, and the security of the State, and if I may suggest a fairly definite opinion, having examined this problem from all sides as well as I can, the railway shareholders will probably be getting out of their holdings very well if they take our proposal.

The Government plan, or Deputy Hewat's, may be the best for the State as an organised institution. I do not think it will be best for the State as a social organism or a trading community. I think it may be best for the State and worse for the stockholder as compared with this Bill. I think we are giving away something to the stock-

holders in the interests of harmony and because we believe it might be the cheapest way to buy good-will and national development.

There are one or two points of misunderstanding that rather impede any due consideration of this problem that I would like to clear away, and they are these. Irish railwaymen are not paid as high as English railwaymen. I will simply make the assertion without trying to prove it, and I say it confidently and without any hesitation.

We have records here, not our own compilation, which would prove it, but I do not want to delay the Dáil. Irish railwaymen are not paid as high a rate as those in England or Scotland. Railway wages have come down to the extent on the aggregate, of about £1,500,000 in the last two years, working out at about £1 per week per man on the average. The argument has been made by several Deputies in the hope, I have no doubt, of influencing the Government, and I think no side has gone very deeply into the question, but in general one could see that the trend of thought in the matter is in favour of unification. Farmers are not quite agreed as to whether there should be a mere grouping, retaining a certain amount of competition, or whether there should be unification, but I will assume that the general agreement of critics on our proposal is that there should be something in the way of unification, but without nationalisation. This fear of nationalisation, because it has been introduced by the Labour Party, is very amusing. If it had been introduced by Deputy O'Higgins, for instance, or the President, no doubt it would have been considered quite safe, and not at all likely to raise the bogey of Socialism or Bolshevism, and Deputy Gorey might in such circumstances sleep the sleep of calmness and innocence.

**Mr. HEWAT:** I assure Deputy Johnson it would be less acceptable from the Government Benches.

**Mr. JOHNSON:** Deputy Hewat would prefer that it came from the Labour rather than the Government Benches, presumably because he thinks that, coming from the Labour Benches, it has not

[Mr. Johnson.]

quite the same chance of being embodied into law, but let us wait and see. I imagine that the reason for this delay and hesitation on the part of the President to divulge his plans is that they do not like to introduce a plan of nationalisation. They would flee from it if they could, but facts are forcing them, and they are trying to delay making the plunge as long as possible. Every Deputy who advocated unification said at the same time that there must be State control. That sounds too much like nationalisation, but that there must be control, some kind of intervention, something to prevent the unified companies doing what they like with their own, and that there must be something to prevent them charging too much to the traders, manufacturing interests, and the travelling public. I read an extract from a statement by Mr. Ackworth, who was one of the Scotter Commission, a well-known railway authority, and he frankly said that the railway authorities could put their fingers in the eyes of any Railway Rates Commission at any time, and they had done it. You may set up your control, and hope to take a little off here, but, the Minister for Agriculture said, "if you take a little off here you have to put a little on there," if you are to guarantee your stockholders a reasonable rate of interest, and pay your railway servants a reasonable rate of pay your Rates Commission may alter a little here and a little there, but you will not get much out of that kind of control.

What else are you doing? You speak of railway control under Government authority, and then when you complain of mismanagement and bad services the railway companies will simply say: "What can we do? Take these people out of the way and we will show you what we can do; remove this incubus of Government control; remove this Rates Commission, and we will have our own way, and then we can show you how we will run things." We have been referring to the Land Act which was passed as a logical conclusion to the introduction of dual ownership of the land. If you introduce dual control into the railway

services, with directorships on one hand and general managers and a Government authority, called Rates Commission, on the other, you are introducing dual control, by a roundabout method, the ultimate end of which will be either complete private ownership without any control, or complete private ownership without any shareholders. So that your alternative proposal of unification will, I submit, inevitably lead to public ownership, or something very much worse, which no one in the debate has publicly faced: unified ownership of the railways, unified control with private ownership of the stocks on the public sharemarket, rival railway companies in England, each scheming for an extra share of the Irish traffic; a desire to serve the interests of their companies possibly, I will not say deliberately, but possibly and probably at the expense of Irish public benefit. It is much more profitable to encourage the store cattle trade between Ireland and England than an internal trade in Irish manufacture. But your privately-owned unified railways, or your privately-owned grouped railways, will be gobbled up by these interests, which are British railway combine interests, and not Irish interests at all. Are you prepared to see these combinations in England get real financial control of the Irish railway system, and having financial control of the Irish railway systems, and a very big say in the course of Irish commercial, industrial and manufacturing development? That is one of the risks you are running. I will look forward with interest to the proposals of the Government when either a public Bill or a Railway Companies Bill is brought to the Dáil to allow a unification of Irish railways, to find out what kind of preservative clauses are going to be inserted to ensure that these railways will be devoted to the interests of Ireland, not to the interests of English or Scottish railway companies.

Deputy O'Mahony picked out a phrase from my statement when introducing this Bill. He stated that I frankly admitted that this nationalisation scheme was not going to be a success, because I suggested, that in my opinion an efficient railway service in



Ireland would probably require something in the nature of a State subsidy. I stated at the same time that this Bill did not contemplate a State subsidy. But I say this, that an efficient railway service in Ireland, serving Ireland, whether privately owned or publicly owned, will, in my opinion, call for a State subsidy, if it is to be efficient. I think the facts of life around us, the facts relating to railways, to industries, to agriculture, to the population of Ireland, and to all the circumstances, show me at any rate that a railway service in Ireland, if it is a railway service running independently of any other transport organisation, to be comparable in efficiency with the service in other countries, supplying a big market across the water, will require something in the nature of a subsidy. I put it to the Dáil as worthy of consideration at least, and as the suggestion of many acute minds and thinkers in economic matters—I do not subscribe to it wholly myself—that the best and safest alternative to protective tariffs will be a subsidy to railways for the purpose of encouraging Irish trade. Deputy O'Mahony, notwithstanding his denunciation of the principles of the Bill, his suggestion that it was confiscatory and his general and unsatisfactory attempt to state the case of the Irish Railway Stockholders' Association, summed up by saying that the present Bill was premature. It was bad, evil in its conception, false in its premises and in its conclusion, but it was premature. I am rather inclined to suggest to Deputies—Deputy Egan frankly stated it—that they all felt that it is merely a question of time, it is merely a question of a few years until the State shall take over the railway services. Well, if that is so, do you think in good business to allow all the present stockholders, and to allow the present railway interests to dig themselves in, to strengthen their vested interests, and to make it more and more difficult to buy them out at the end of a few years' time?

I suggest if you are looking forward to a period merely of a few years, you are unwise in postponing the action, and you should do it at once and not attempt to play with this business

when you are quite convinced that any intervening period will merely serve to prepare the way for State acquisition of the Irish railways. I want Deputies to bear in mind that if you want to get back, as the railway companies do, to something approximating a pre-war state of affairs, you are asking us to consent to a proposition that out of every £1 paid in railway freights, and in passenger fares, 13/- to 13/6 is used to provide the service, and the remainder is used to pay shareholders and stockholders. It may be inevitable, and I frankly confess, that for a period of 67 or 72 years even under this Bill that same consideration will have to be given; but it is very well worthy of note that when any Deputy goes to the booking office of a railway company and pays £1 for a ticket, by that act he is handing over 6/6 or 7/- to railway shareholders.

Deputy Heffernan contributed to this debate, and he, too, is against nationalisation. I think he is in favour of the retention of the railways in private hands, with some hope that by doing so, either by that means or by a grouping system which he preferred, you would be able to reduce freights and pay a reasonable dividend to stockholders. In his condemnation of nationalisation he produced an example of Canadian railways. He rather hesitated to continue his quotations when I asked him to go on with the figures of other companies. If there is any example required to be quoted against his case, it is the very example that he gave the Dáil. The Grand Trunk Railway, for instance, had to be taken over by the State in response to the demand of the populace. It was bankrupt. A private railway concern had gone to the dogs completely, and, in deference to popular demand, had to be taken over by the State. Notwithstanding an appeal to the Privy Council, the ordinary shareholders got nothing. They had no right.

**Mr. HEWAT:** May I remark that the ordinary shareholders had not got anything before.

**Mr. JOHNSON:** True; they got nothing under private management.

[Mr. Johnson.]

But Deputy Hewat suggests they ought to have got something under State management, it being so much better. Really it is a pity for the case against nationalisation that Deputy Heffernan should have adduced the reference to the Canadian railways. I do not want to alarm Irish stockholders, but perhaps the introduction of this Bill, in this form by the Labour Party, might be the best security they have. It may be that their concerns also will prove bankrupt: Deputy Woulfe described them as insolvent concerns. It may be that they may be pleading to the State to nationalise them, backed up, as I expect they very soon will be, by the merchant community and the agricultural community. Perhaps the fact that we have introduced this Bill suggesting these terms will be quoted in support of their claims for reasonable compensation. I give notice here and now that it is without prejudice that this Bill has been introduced and that the financial clauses have been inserted in the manner in which they have been.

I was interested and pleased with the contribution of the Minister for Agriculture, and I do not want to go far in dealing with his arguments. He said all the advantages claimed for nationalisation could be got by unification. All the advantages of administration, I agree, but possibly, and probably, the disadvantages that national benefit may not be—I put it as low as that—the primary purpose of unified non-nationalised railways. If we take the alternative, advantages of unification can be got by nationalisation, plus the advantage of a clear intention to serve the common interest of the State; then I say the case for nationalisation as against unification is very much strengthened. As to the Minister for Agriculture, though speaking as Deputy Hogan, I must say there was a certain timidity which is not usually to be found in his contributions to discussions in the Dáil. We must give private enterprise a trial, if private enterprise is properly controlled by the Government. That is Deputy Hogan's proposition: that private enterprise must have a trial. Let us try them a little longer, if you please,

and let us give them proper control by the Government. Then, he suggests that our proposal to take the railways at this stage—and I think that notion was running through the President's mind in his statement—our proposal to take the railways over is in the nature of punishment; but really it is not so at all. We are, as Deputy Hewat said, and we are proud of it, endeavouring to take the chestnuts out of the fire, to take the chestnuts for the public interest out of the fire of the privately owned railways. We have no shame in that at all, and if the Government cannot see its way to do this work for fear of burning its fingers we are prepared to make that little sacrifice in the common interest.

I have talked very much too long. I want to say that the Bill is being presented to the Dáil as a carefully considered proposal, worked out with some detail to meet the needs, not of railway employees, but to meet the needs of the State, to meet the needs of the trading community, having due regard to the legitimate interests of the stockholders.

No alternative proposal has been made, and I ask the Dáil to vote for the Bill with the double intention that the railways shall be nationalised and that there shall be set up a central authority co-ordinating the various transport services, those dealing with communications for the purpose of linking them up and serving the common good. It is a Second Reading, and not a final Reading, that we ask for. We ask the Dáil to agree to a Second Reading, and to indicate to the Government, having given the Second Reading to this Bill, that it is then their duty to take it over and to introduce amendments and to make the best of it according to their views as to how it can be improved. We ask the Dáil to agree that the time has passed for a longer delay in this matter, that the companies, the public, and all concerned, have had long notice, and that at least the principle embodied in this Bill should be granted a Second Reading.

Question put: "That the Bill be now read a second time."

The Dáil divided: TÁ, 16; NÍL, 56.

## Tá.

Seán Buitléir.  
 David Hall.  
 Tomás Mac Eoin.  
 Risteárd Mac Fheorais.  
 Pádraig Mac Fhlannchadha.  
 Tomás de Nóglá.  
 Tomás O Conaill.  
 Aodh O Cúlacháin.

Liam O Daimhín.  
 Eamon O Dubhghaill.  
 Domhnall O Muirgheasa.  
 Tadhg O Murchadha.  
 Pádraig O hOgáin (An Clár).  
 Maolmhuire Mac Eochadha.  
 Ailfrid O Broin.  
 Seán O Laidhin.

## Níl.

Pádraig F. Baxter.  
 Earnán Altún.  
 Earnán de Blaghd.  
 Séamus Breathnach.  
 Seoirse de Bhulbh.  
 Próinsias Bulfin.  
 Bryan R. Cooper.  
 Henry Coyle.  
 Louis J. D'Alton.  
 Máighréad Ní Choileáin Bean Uí  
 Dhrisceóil.  
 Patrick J. Egan.  
 Osmond Grattan Esmonde.  
 Henry J. Finlay.  
 Desmond Fitzgerald.  
 Connor Hogan.  
 Domhnall Mac Cárthaigh.  
 Liam T. Mac Cosgair.  
 Pádraig Mac Fadáin.  
 Pádraig Mac Giollagáin.  
 Seán P. Mac Giobúin.  
 Risteárd Mac Liam.  
 Seoirse Mac Niocaill.  
 Liam Mag Aonghusa.  
 Martin M. Nally.  
 John T. Nolan.  
 Peadar O hAodha.  
 Criostóir O Broin.  
 Seán O Bruadair.

Aodh O Cinnéide.  
 Séamus N. O Dóláin.  
 Peadar S. O Dubhghaill.  
 Pádraig O Dubhthaigh.  
 Aindriú O Láimhín.  
 Séamus O Leadáin.  
 Seán M. O Súilleabháin.  
 Andrew O'Shaughnessy.  
 Seán Príomhdhail.  
 Patrick W. Shaw.  
 Liam Thrift.  
 Richard H. Beamish.  
 Nicholas Wall.  
 Pádraig O hOgáin (Gaillimh).  
 Domhnall O Mocháin.  
 John Conlan.  
 John Good.  
 William Hewat.  
 Alasdair Mac Cába.  
 Eoin Mac Néill.  
 Patrick McKenna.  
 Mícheál O hAonghusa.  
 Eoghan O Dochartaigh.  
 Tadhg O Donnabháin.  
 Fionán O Loingsigh.  
 Thomas O'Mahony.  
 Pádraic O Máille.  
 Caoimhghin O hUigín.

Motion declared lost.

## ADJOURNMENT.

PRESIDENT: I move the adjourn-

ment of the Dáil till 12 o'clock to-morrow.

The Dáil adjourned at 10 p.m.

## DÁIL ÉIREANN.

DÉ HAoine, 14adh MÍ NA NODLAG,  
1923.

(Friday, 14th December, 1923.)

Do chnuaidh an Ceann Comhairle i gceannas ar a 12 a clog.

**CEISTEANNA—QUESTIONS.  
ORAL ANSWERS.**

**APPEALS AGAINST SHAW COMMISSION AWARDS.**

**Mr. CONNOR HOGAN** asked the President whether, arising out of the reference by the Minister for Finance to the independence of the Shaw Commission, the Government has any power on appeal by an aggrieved citizen of the Saorstát to call for reconsideration of a claim.

**The PRESIDENT:** The Compensation (Ireland) Commission was set up by agreement between the British Government and the Irish Government "to determine what compensation ought in reason and fairness to be paid." The Commission consists of representatives of both Governments and its impartiality cannot be impugned. The only cases in which representations could conceivably be made in respect of awards by the Commission are cases where material additional evidence has become available subsequent to the making of the award.

**ATHLONE MERCHANT'S CLAIM AGAINST "BLACK AND TANS."**

**SEAN O LAIDHIN** asked the Minister for Finance if a claim had been received from Mr. J. Grenham, Connaught Street, Athlone, in respect of motor cars damaged by "Black and Tans," bacon destroyed, and personal injuries to the amount of £1,032; to ask how soon the claim is likely to be paid.

**MINISTER for FINANCE (Mr. E. Blythe):** No claims for damage to property on behalf of the person named have been lodged with the Compensation Branch of the Ministry, but it is understood that several such claims are at present the subject of investigation by the Compensation (Ireland) Commission.

A claim for personal injuries sustained by Mr. John Grenham is recorded in the Ministry, and will be dealt with in due course under arrangements which are at present being considered.

**MILITARY OCCUPATION OF  
TULLAMORE PREMISES.**

**Mr. P. J. EGAN** asked the Minister for Finance when the rates in the cases of two houses taken over by the Military in Tullamore, amounting to £49 7s. 6d., and £5 5s., respectively, which accrued during their occupation, will be paid to the Tullamore Urban District Council.

**Mr. BLYTHE:** In arriving at the compensation payable in the case of premises commandeered by the Military the principle adopted is that such compensation shall be inclusive of rates. The Tullamore District Council should accordingly present their claim to the occupiers of the premises in question.

**WHITEGATE (CO. CLARE) CLAIM AGAINST BRITISH.**

**PADRAIG O hOGAIN (An Clár)** asked the Minister for Finance if he received an application from Ralph Lucas, Whitegate, Co. Clare, in respect of destruction done to his property by British Forces in June, 1921, and if he can state how soon compensation may be paid him in its respect.

**Mr. BLYTHE:** No claim on behalf of the person referred to by the Deputy has been received in the Compensation Branch of the Ministry, but as a result of enquiries which have been made at the Offices of the Compensation (Ireland) Commission, it has been ascertained that a claim for two motors taken and damaged in June, 1921, is at present under investigation.

## INJURIES TO RETURNED AMERICAN.

**PADRAIG O HOGAIN (An Clár)** asked the Minister for Finance if he has received an application from Edmund Burke, Molesky, Mullagh, Co. Clare, for compensation in respect of injuries sustained by him on August 17th, 1922, at a place called Knocknagoshill, Co. Kerry, when on his way home to Clare from the United States.

**Mr. BLYTHE:** A claim for compensation has been received in this case by the Compensation Personal Injuries Committee. Investigations are at present proceeding in regard to the case, and when these are completed the Committee will be in a position to make a recommendation to me.

## WARRANTS FOR ARRESTS.

**Mr. DARRELL FIGGIS** asked the Minister for Home Affairs if he will make arrangements for all detectives and other persons conducting any search or arrest with official authority to show a signed authority to that effect, and if he will cause a facsimile of the form of such authority to be published.

**MINISTER for HOME AFFAIRS (Mr. K. O'Higgins):** Every member of the detective branch and plain clothes men has a card of authority bearing the arms and the signature of the Chief Commissioner. It would be inadvisable to publish facsimiles as they might be imitated and used for illegal purposes.

**Mr. DARRELL FIGGIS:** Would the Minister give an assurance that he will insist that any parties conducting a search should produce such an authority at the very outset, thereby showing their right to be there, and so as to give them a standing from the very beginning?

**Mr. O'HIGGINS:** Yes, I will give that assurance.

## REMOVAL OF SAND FROM KILLINEY FORESHORE.

**Major BRYAN COOPER** asked the

Minister for Industry and Commerce whether he is aware that prosecutions are pending, at the instance of the Dublin and South-Eastern Railway Company, against a number of labourers for removing sand from the foreshore at Killiney, Co. Dublin, under railway bye-laws dealing with sand below high-water mark, and whether he will use his good offices to obtain a settlement of the matter which will not deprive these men of their means of livelihood.

**MINISTER for AGRICULTURE (Mr. Hogan, replying for Minister for Industry and Commerce):** The Minister for Industry and Commerce is not aware that any prosecutions are pending, but understands that some persons were recently fined in proceedings at the instance of the Dublin South Eastern Railway Company for removing sand from the foreshore at Killiney. The removal of sand from this foreshore constitutes a danger to the port of Dublin, to the railway, and to public interests generally, and is for that reason prohibited by law. It is essential that the law should be complied with in this matter, and the Minister for Industry and Commerce has no power and would not be prepared to intervene in the matter.

**Mr. JOHNSON:** Has there been a new regulation made with regard to this subject? Is the Minister aware that this practice has been going on with some authority for many years, and that some new offence seems to have been created by the action of the Company or the Department?

**Mr. HOGAN:** I am not aware of the fact. I do not know whether this has been going on for years, but I do know that the law is as stated in this answer.

## UNEMPLOYED BENEFIT FOR DEMOBILISED N.A. SOLDIERS (SIX COUNTY AREA).

**Captain REDMOND** asked the Minister for Industry and Commerce whether he is aware that residents in the Six County Area, who joined the National Army and have since been demobilised, are debarred from the benefits of the Unemployment Act;

[Captain Redmond.]

whether he is aware they have been informed by the Northern Government that they are not entitled to such benefit until the Free State Government make good the necessary contributions under the Unemployment Act for the period of service with the National Army, and what steps, if any, he intends to take in the matter.

**Mr. HOGAN** (for Minister for Industry and Commerce): The facts are substantially as stated in the question. The Government of Northern Ireland is wrong in informing ex-members of the National Army that they are not entitled to benefit unless contributions are paid into the Northern Unemployment Fund by the Saorstát. Such men's rights to benefit are in no way affected by service in the National Army. The Northern Government in demanding the payment of contributions in respect of their Army service as a condition for the payment of benefit, which the men would receive if they had never served in the Army, is in effect making their Army service a disqualification for benefit. The contributions demanded could not be paid without legislation, which, in view of the rights already possessed by the men concerned, the Minister for Industry and Commerce could not recommend.

**Mr. CORISH:** Is the Minister satisfied in this particular case whether these men were in an insured occupation prior to enlistment or not? If they were, and if the cards were not stamped for that particular period they would be disqualified from benefit—did the Minister satisfy himself on that?

**Mr. HOGAN:** That is not the point in this question. On the facts they are entitled to uncovenanted benefit, which they are not receiving from the Northern Government, who refused it on the grounds that they made no contribution. That ground would only be justifiable if they were applying for covenanted benefit.

**Major BRYAN COOPER:** Will the Government assist these men to take legal action in order to assert their rights?

**Mr. HOGAN:** I would like notice of that question.

**Mr. CORISH:** Is it not a fact that that is the regulation, that a person who is in an insured occupation prior to enlistment ought to have his card stamped while in the Army?

**Mr. HOGAN:** What has that got to do with it?

**Mr. CORISH:** It has got a lot to do with it, surely.

### ACQUISITION OF "DIAMOND BOG," CO. KILKENNY.

**EAMON O DUBHGHAILL** asked the Minister for Agriculture whether the Land Commission proposed to acquire the "Diamond Bog," Cooleullen, Kilkenny, for division under the provisions of the Land Act, 1923, and, if so, when.

**Mr. HOGAN:** The bog referred to appears to comprise part of the holding of M. Dimond, which is the subject of a purchase agreement in connection with the sale of the Estate of Viscount Frankfort to the tenants under the Irish Land Acts, 1903-9.

The question of the turbary on this holding is at present under the consideration of the Land Commission.

### PAYMENT OF RENTS AND ANNUITIES.

**AN CEANN COMHAIRLE:** There was a question put by Deputy Egan, postponed from yesterday. I understand the Minister will answer it now.

**Mr. EGAN:** The question was:—To ask the Minister for Agriculture if, owing to the present depressed state of agriculture, he will consider the possibility of giving an extension of time in the case of tenants who are called on to pay more than one year's rent or annuity.

**Mr. HOGAN:** With regard to annuities, the Land Commission are under a statutory obligation to collect Land Purchase Annuities as they fall due, and, if not paid, to institute legal proceedings for their recovery. The an-

nuities must be collected to enable payments to be made of the interest and sinking fund of the stock created for providing the money advanced to the tenants to purchase their holdings. If the annuities are in default the deficiency has to be provided by deductions from the Grants-in-aid of local Taxation. In other words the deficiencies have to be made good by the local rates. If the annuitant fails to pay his annuity he is simply asking the local ratepayers to pay it for him. It must be remembered that purchasers of their holdings under the Land Purchase Act obtained considerable reductions. For example, the average percentage of the reductions under the 1903 Act was as follows:—21.3 per cent. on the second term judicial rents, and 29.8 per cent. to first term judicial rents. There seems to be some kind of an attempt at the present moment on the part of tenant purchasers to withhold their annuities and to create a hanging gale. That cannot be allowed.

**Mr. GOREY:** Is it also a statutory obligation on the Government to pay interest in lieu of rent to those who were entitled to receive it and to collect arrears or interest in lieu of rent?

**Mr. HOGAN:** Of course it is a statutory obligation on the Government to pay interest in lieu of rent. Interest in lieu of rent only accrues due after the estate in question has been actually taken over by the Land Commission. With regard to arrears, the tenants are asked to pay now one year's compounded arrears of rent. These are the tenants who have paid nothing for at least one year, and in some cases for two years. They are asked to pay now a sum which is considerably smaller than their neighbours who have purchased under previous Land Purchase Acts. They are asked to make that payment, and they are complaining about making that payment notwithstanding that they are in a considerably better position than the tenants who had purchased under previous Land Purchase Acts. For instance, previous Tenant Purchasers paid last year and every year. The people who are complaining now did not pay for two years and they are asked this year

to make exactly the same payment for this year as their neighbours, who have been paying every year.

**Mr. GOREY:** The point of my question is this: if the interest in lieu of rent is not forthcoming what will make it good—the public rates or the Central Fund?

**Mr. HOGAN:** It will be on the ratepayers.

#### ARMY ACCOUNTS.—CLARE CLAIM

**PADRAIC O HOGAIN** (An Clár) asked the Minister for Defence if he is aware that a large account is still due by the Military to Mr. John O'Donohue, Seariff, Co. Clare, and that a large amount of that account is due since May, 1920, and if he will expedite payment.

**MINISTER for DEFENCE (General Mulcahy):** The account in question relates to a period prior to the Treaty. The position at that time was that responsibility for discharging any liabilities incurred rested on local Volunteer Authorities. Claims of the period cannot be paid out of funds voted by the Dáil for the maintenance of the present army. The general question as to what extent and from what funds any of those claims may be settled has yet to get attention. Pending a decision Mr. O'Donohue's account cannot be given consideration.

**Mr. HALL:** Will the Minister say if, in the past—say about 12 months ago—the Government has not made payment under the heading of accounts or bills brought up through orders received from responsible officers of the old Volunteers prior to the Truce?

**General MULCAHY:** I hardly think that is so. At any rate, they cannot have been on all fours with the accounts referred to in the question.

**Mr. HOGAN (Clare):** If the accounts are vouched for by an officer considered competent to vouch for them, will they get consideration?

**General MULCAHY:** The whole matter will have to get consideration; but there are no funds available at pre-

[General Mulcahy.]  
sent for paying claims of this particular type.

**Mr. HALL:** Is the Minister aware that since the signing of the Treaty considerably over £100 were paid to a merchant named Kiernan of Hatchestown, Co. Meath? If he is not already aware of that I think it will assist him in coming to a decision on the matter.

**General MULCAHY:** If the Deputy will let me have particulars, I will have the matter attended to.

**Mr. HALL:** I do not think I could let the Minister have particulars. He would, I am sure, get that information in the records of the Quartermaster's Division.

**General MULCAHY:** I would ask the Deputy to communicate to me any information he has on the subject.

#### MILITARY OCCUPATION OF TRADE UNION'S OFFICES.

**PADRAIG O'HOGAIN (An Clár)** asked the Minister for Defence whether it is yet decided to evacuate the offices of the Irish Transport and General Workers' Union, Kilrush, and whether, considering the very severe injury the retention of the premises is doing to the Kilrush Branch of the Union, he will consider the desirability of expediting the handing over of the premises to the Branch Committee of the premises.

**General MULCAHY:** It is regretted that it has not yet been possible to evacuate the premises in question, nor am I in a position to indicate at present the probable date of evacuation.

**Mr. HOGAN (Clare):** Does the Minister know that there are vacant buildings suitable for the occupation of the military, and that the particular buildings in question could be handed back to the Transport Union?

**General MULCAHY:** I will have enquiries made into that matter.

#### DETENTION OF BALLINEEN MEN.

**TADHG O MURCHADHA** asked the Minister for Defence whether he is in

a position to recommend the release of Cornelius Keane, Droumfeagh, Ballineen, at present detained in Newbridge, and David Crowley, Connagh, Ballineen, Co. Cork.

**General MULCAHY:** Arrangements are being made to release Messrs. Keane and Crowley.

#### SOUTHERN INTERNEES—QUESTIONS OF RELEASE.

**TADHG O MURCHADHA** asked the Minister for Defence whether he is in a position to recommend the release of Cornelius Kelly, Glau, Dunmanaway, Co. Cork, No. 3461, Hut 33, Newbridge Camp; John Murphy, Ardeahan, Dunmanaway, 1029, Harepark Camp; John Buttiner, No. 9206, Hut 14, Tintown No. 2 Camp; James Crowley, Connagh, Ballineen, Co. Cork, No. 3951, Hut 15, Tintown No. 2 Camp; Jeremiah Murphy, Eyeries, Co. Cork, 3666, No. 9 Hut, Tintown No. 3 Camp; and Charles O'Keeffe, Convent Hill, Bandon, Co. Cork, 2012, Hut 30, Newbridge Camp.

**General MULCAHY:** Arrangements are being made to release Cornelius Kelly, John Murphy, John Buttiner, Jeremiah Murphy, and Charles O'Keeffe. The release of James Crowley cannot be recommended.

#### DEPENDANT'S ALLOWANCE (CO. WICKLOW).

**EAMON O DUBHGHAILL** asked the Minister for Defence whether he is aware that repeated applications have been made, without result, for dependant's allowance for Mrs. Annie Nolan, mother of Private Patrick Nolan (No. 000774), Coolmoney Barracks, Co. Wicklow, who joined the National Army on the 11th April, 1922; whether, in view of the fact that this woman is an invalid, he will take steps to expedite payment of this allowance.

**General MULCAHY:** Two applications were received from Mrs. Nolan, who was duly informed that her claim had been disallowed. On investigation it was found that the extent of her dependence on her son prior to his enlistment was less than the minimum required by the regulations before an allowance may be issued.



**WRITTEN ANSWERS.****NENAGH CLAIM AGAINST MILITARY.**

**DOMHNALL O MUIRGHEASA** asked the Minister for Defence if he will state when it is intended to pay the sum of £218 17s. 6d. due by the Military Authorities to the Nenagh Gas and Electricity Supply Company.

**General MULCAHY:** Portion of the account of the Nenagh Gas and Electricity Supply Company will be paid forthwith, and the balance will be settled as soon as some necessary investigations are completed.

**ATHLONE ACCOUNT.**

**SEAN O LAIDHIN** asked the Minister for Defence if an appeal has been received from Mr. J. Grenham, of Connaught Street, Athlone, in respect of the inadequacy of amount paid him for use of cars commandeered by the Military from July, 1922, to September, 1923; whether the amount claimed was £1,237 4s. 6d., and the amount paid £365; to ask how soon a decision may be expected in the matter.

**General MULCAHY:** Mr. Grenham's appeal has been carefully considered. It is regretted that it is not possible to alter decision already made.

**CLAIM FOR DEPENDANT'S ALLOWANCE.**

**Major BRYAN COOPER** asked the Minister for Defence whether a claim for dependants allowance has been received from No. 48992, Volunteer Michael Sherlock, Engineering Corps, and whether he can state what decision has been arrived at in this case.

**General MULCAHY:** There is no trace of the receipt of a claim from Volunteer Sherlock. One has, however, been prepared from the information contained in the question and is being investigated.

**BUSINESS OF THE DAIL.**

**The PRESIDENT:** I will have to move to take the time of the Dáil beyond two o'clock with regard to Gov-

ernment business. Before 2 o'clock I intend to move that we should sit late this evening in order to finish any business there is on the Order Paper. The first motion deals with Government business, and I would be anxious to deal with that before we take up other business. I am not, by reason of the first motion, going to shut out any business put down by private members. I therefore move, under Standing Order No. 74:

That the proceedings on the Public Safety (Powers of Arrest and Detention) Temporary Bill be not interrupted to-day at 2 p.m. if the Bill be under consideration at that hour."

**Mr. JOHNSON:** I wonder would the President take into account the desirability of having an adjournment for a convenient time—say three-quarters of an hour?

**The PRESIDENT:** I am quite willing to do that.

Question put and agreed to.

**Mr. DARRELL FIGGIS:** In regard to the Orders of the Day, may I ask if item No. 2—Ministers and Secretaries Bill—will be taken to-day.

**AN CEANN COMHAIRLE:** No. And, in connection with the Private Business on the Order Paper, I consulted the Committee of Procedure and Privileges, and it was their view, and it is my own, that item No. 4 on the Order Paper, which is a vote of censure on the Government, should take precedence of item No. 3, if item No. 3 proves to be an opposed motion.

**COURT OFFICERS (TEMPORARY APPOINTMENTS) BILL, 1923.****FIRST STAGE.**

**MINISTER for HOME AFFAIRS (Mr. Kevin O'Higgins):** I want to ask the indulgence of the Dáil to allow me to move to have printed and circulated a Bill entitled "The Court Officers (Temporary Appointments) Bill." It would greatly facilitate my Department and the administration of public business generally in the country if the first reading of this Bill could be taken before the recess. The purport and object of the Bill is to enable

[Mr. Kevin O'Higgins.]

certain rather important vacancies to be filled, and yet to be filled in such a way as not to give to the newly appointed person all the personal right and vested interests of his predecessor in view of the fact that the whole machinery of the administration of justice will be undergoing a change within the coming year. Therefore, this Bill would give a certain elasticity and enable me to arrange for the carrying out of these duties without vesting in the officer newly appointed all the rights that attached to his predecessor in office. I think it would be important to have this Bill passed in January, and, with a view to securing that, I should like to get the First Reading now.

Question put and agreed to.

Second Stage ordered for 16th January, 1924.

# **PUBLIC SAFETY (POWERS OF ARREST AND DETENTION) TEMPORARY BILL, 1923.**

## **SECOND STAGE.**

**Mr. O'HIGGINS:** It falls to my lot once again to ask Deputies to agree that for the adequate protection of the quiet, decent people of the country, there should be vested in the Executive powers of arrest and detention on something short of legal proof of guilt. I think that all our experience goes to show that there are times when general principles, very sound, very healthy, and apparently fundamental, must yield to special cases, and it is on the ground of special cases and of a special set of circumstances that I ask the Dáil to waive that very sound and very fundamental general principle that persons ought not be arrested and ought not to be detained without full proof of guilt being put forward to the satisfaction of a court. We are all familiar, I dare say, with the oath taken by jurors, and with that portion of it which runs that the juror shall without fear, favour, affection or ill-will, proceed to do his duty as between the prisoner and the State. Unfortunately there are areas in the country where it is not humanly possible for jurors to do their duty without fear, and jurors are not supermen,

demigods, invariably cast in the heroic mould. They are subject to fear, very much like other men, and the fact has been borne in on us, time and again, that in certain areas jurors are subject to so much intimidation and to so many terrorist influences that they do not and have not done their strict duty as between the accused and the State. There have been cases where jurors have acquitted prisoners in the teeth of very full and very substantial evidence of guilt. Now, theoretically, and taking the higher plane of civic duty, one may condemn that, but humanly, one can understand it, having regard to conditions which still prevail in certain areas of the country. That is one factor upon which I base the case for these extraordinary powers for the Executive.

But there is another factor, and that is the difficulty, or perhaps I should say, speaking for certain areas, the utter impossibility, of finding people of sufficient moral courage and sufficient physical courage, because physical courage is unfortunately necessary also, to come forward and give evidence against a person accused of a particular crime. There, again, taking the higher plane, one may condemn; but there again, on the human plane, one can understand. That is the second factor upon which I base this claim for special powers. Every Deputy—certainly every Deputy from the country—will know what I mean when I draw a distinction between legal proof and common knowledge. I think I know the country and country conditions, and every Deputy from the country will agree with me that there can be in a rural area a series of outrages, and every person who has come to the use of reason in that area knows the perpetrators of these outrages, and yet it would be utterly impossible to secure definite evidence which would stand fire in a court as to the guilt of those persons. It is that kind of situation that we have to deal with, and it is because of that kind of situation that I say that certain general principles, sound, no doubt, healthy, no doubt, in normal times fundamental, must be waived in favour of this special case which I contend exists.

The objection that will be urged mentally, if not verbally, against the Bill, is that it is not seasonable; that it is not seasonable to come before the Parliament of a nation with a Bill that might, in a flight of language, be called a Coercion Bill, just at this time. Unfortunately the criminal takes no Christmas holidays, and it so happens that the nights are longest and the days are shortest in and about the Christmas season, and that is my excuse for coming at this particular time with a Bill which enables the Executive which has the responsibility of giving protection to life and property in this country to deal with persons reasonably suspect of serious crimes.

It is not a Bill framed to deal with persons of any particular political section in the community. Crime has not been the monopoly of any particular political party, and I make a present of that to the man who pressed the button for anarchy, to the man who pressed the button for a crime wave unprecedented in this country, I make a present of that to the man who is now reading Einstein in Arbour Hill. People who live in cities, and people who live in the Capital, are near the seat of Government, and are near the headquarters of the police and military arms of the State. They have their well-lit streets and their patrols, but I ask Deputies to concentrate on the lot of the person who lives in an out of the way rural district, where conditions are less difficult for the prospective criminal.

In moving a similar Bill some months ago, I stressed the fact that Deputies, Senators and Ministers, and other important persons like that, had guards in their houses when the situation seemed to require it, but the plain, decent people of the country have no guard unless the law, and the sanctions of the law, are adequate for their protection. I contend that a situation still exists in this country, in parts of this country at any rate, which makes it necessary to vest in the Executive the power of arresting and detaining known blackguards against whom there is not definite evidence in connection with a specific offence. That is the thesis I put forward, and that is the

ground on which we take our stand in presenting this Bill for the approval of the Oireachtas.

I have before me the confidential monthly report presented by the Commissioner of the Civic Guard. I do not intend to quote at any length, or in detail, from that report, but in the covering letter forwarding it there is this statement: "The conditions prevailing in the Counties Leitrim, Kerry, Cork East Riding, Cork West Riding, Tipperary, Galway, and certain parts of Kilkenny are unsatisfactory. In Clare, Leix and Monaghan the conditions are still unsatisfactory, but in a lesser degree. There has been a marked improvement in Donegal, Dublin, Kildare, Wicklow, Meath, Westmeath and Wexford." If throughout this country a state of conditions prevailed similar to the conditions which prevail in Meath, Kildare, perhaps even in Carlow and in Louth, and so on, we would not feel justified in asking the Dáil for a continuance of the special powers vested in the Executive which expire on the 1st February next. But that is not the situation. You have still a very patchy situation in the country, and certain very dangerous and very explosive material literally and figuratively lying around in certain of the counties, perhaps six or seven, and unfortunately these would be six or seven of the largest counties in the State.

We feel that we cannot give to the citizens the protection and security to which, as taxpayers, they are entitled, and to which as citizens they are entitled, unless Deputies agree with us in facing the realities of the situation, and in taking the view that there must be the power of detention on something short of that very full and very complete proof which would satisfy a Court.

This Bill deals only with internment. With regard to other portions of the Public Safety Bill, these will be covered in other Bills. I propose to introduce a permanent Firearms Bill in the coming session, and a Criminal Law Amendment Bill, but the Bill which I am asking Deputies to give favourable consideration to now confines itself to this question of arrest and detention without trial. It will be noted, in Sec-

[Mr. O'Higgins.]

tion 2 of the Bill, that the grounds of detention are not identical with those in the previous Bill, the Public Safety Act, but are confined to this: Reasonable suspicion of being, or of having been, engaged or concerned in the commission of any of the offences mentioned in the Schedule to the Act. The Schedule sets out 15 specific offences, and the arrest and detention of any person must take place with advertence to, and with mention of, some one or more of these offences. Section 3 of the Bill deals with persons at present in military custody.

Deputies are aware that the policy of the Government is one of release as quickly as the consideration of public safety admits. Releases were held up and delayed for a period of a month by reason of the hunger strike and since that hunger strike they have proceeded at a rather rapid rate. No one wants to keep young men locked up, living parasitically on their countrymen, costing in or about £1 per man per week, if one could feel that these men, now at any rate, recognised and accepted the principle of order which lays it down that the policy to be pursued by the country, the line of action to be pursued by the community, must be that policy or that line which commands itself to the collective judgment of their fellow citizens. That is what is asked, and not any abandonment of a particular political creed or doctrine or principle, but a recognition that the country's policy must be decided by the mass wisdom, or unwisdom, of the people of the country.

Deputies know that people who profess to be unable to bring their proud souls under to the settlement or compromise at which we have arrived with the British were able in the past to bring their proud souls under to British occupation, to British administration of this country, and to bring not only their proud souls but their proud bodies under the bed when the British were "rampaging" through the country. That is aggravating. But there is recognition of the fact that there is a tendency in most men to run amok when they think that the sun is shining for the law breaker. When the

spectacle was presented of a country without the ordinary executive forces which a normal established State can command, and of the Government of the country being vested in nine young men in the City Hall without a police force, without a system of justice, without an army, any more than that loose-slung territorial force with which we contended against the British, they thought that such an opportunity had come, and they were assisted in that thought by the message which told them that the country was theirs for the taking. And so we have had anarchy, crime, lawlessness, people out to pass their Private Bills with their strong hand and the little gun in it; people out to trample roughshod over the rights of their fellow-citizens. That situation gradually, and slowly no doubt, but as quickly as the circumstances permitted, was grappled with and choked under in the only way in which revolt and anarchy can be grappled with or choked under in any country.

Now has come a period of pause, a period of reflection, a period in which men may take stock again of the situation and decide what line they are going to pursue in the future. We will not be behind in facilitating people to take the line of decency, the line of ordinary normal constitutional action. We will not be behind in affording to these people an opportunity of preaching their policy as any other party in the State preaches its policy. But they will get the opportunity and the consideration that any other party in this State will get, neither more nor less. We will not have two Governments in this country, and we will not have two armies in this country. If people have a creed to preach, a message to expound, they can go before their fellow-citizens and preach and expound it. But let the appeal be to the mind, to reason, rather than to physical fear. They cannot have it both ways. They cannot have the platform and the bomb. Lately a gentleman named Rutledge, acting in the unavoidable absence of the gentleman who is reading Einstein in Arbour Hill, writes:—

"The Free State Executive are engaged in attempting to raise a loan in portions of this country. This

loan is of the utmost importance to them because of the use they intend to make of its success. The Government has already issued a proclamation refusing to accept any responsibility for this or any other liability contracted by such a body. In view of the attempts being made to stam-pede the small investors, particularly, to participate in this loan, all members of Sinn Féin should endeavour to save such people from sinking their savings in such an unauthorised flotation and thereby incurring subsequent loss."

There is reason in everything, but it is not reasonable to expect this Executive to countenance, or authorise, a rival Government within its territory or jurisdiction, and no such rival Government will be countenanced. We are aware that there are people playing the picturesque traditional role of "Ned of the Hill" around the country at present, living parasitically on their neighbours, on the plea that the military are after them. These people know well, and their friends probably know well, that they could and should return to their plough, or to whatever other normal occupation they pursued, and before they developed or degenerated into "Neds of the Hill."

We will not be forced into the position of granting anything in the nature of an amnesty for serious crime of which proof can be produced. We do not propose to amnesty bank robbers, arsoners, murderers. But the ordinary poor "mug"—if Deputies will excuse the expression—who was stampeded into this thing, when crime was presented to him, wrapped around with the picturesque tricolour, when crime was presented in the wrappings of idealism, who was led astray in that way and who has not committed himself to the serious extent of murder, or arson, or bank robbery, or some heinous offence of that kind, but merely drifted around the country playing the ass for the last two years, can return to his home with a very reasonable security that no one is going after him if he decides to live in accordance with the law of this country in the future, and to respect the ordinary fundamental rights of his neighbour.

But we cannot simply cast our bread upon the waters by throwing open with a quixotic gesture the prison and camp gates, and saying to all these men who have been challenging not alone the fabric of the State, but the rights of their neighbours for the last two years: "Go in peace, your crimes are forgiven." We did cast a certain amount of bread, as I remarked some time ago, in the early months of last year. We

were quixotic. We put lethal weapons into the hands of men who professed to be personally opposed to the settlement with Great Britain, in the hope and confidence that they were really of too fine a mould to turn those arms against their fellow-citizens, or use their power to prevent the majority will prevailing in the country. We were disappointed. We cannot now turn out from the gaols and camps dangerous, desperate men, who would proceed again to challenge the State which has not yet recovered from the onslaught of the last two years. We cannot, before we are quite sure that we have our foundations laid, and that those foundations are staid, and that our Executive forces and the machinery of our administration of the country will be able to deal with any situation that may arise, take that risk, and if we did take it, we would not be performing our duty to the people who have placed us in the positions that we now hold. Releases will proceed gradually, and judiciously. We do not desire to hold any of these men for one half hour longer than we think the public safety requires.

What is the public safety? I grant you that it is a vague term. I grant you that it is nebulous. Whatever it is, we are the body of men, commissioned by the people of the country, to decide where it lies; we of the Executive Council, in the first instance, and the Deputies in the Dáil in the second instance.

Coming before the Dáil with the knowledge at our disposal, with the reports that are in our offices, we say that in parts of the country, in certain rather large areas, conditions are still such that we cannot rely on the ordinary normal machinery by which an established State deals with crime.

[Mr. O'Higgins.]

We cannot be reasonably confident of procuring evidence in all cases, and, moreover, conditions are still such, in certain areas, that jurors are subject to intimidation, and subject to terrorist influences. What, after all, is our conception of a trial? Twelve citizens of the community, impartial, impersonal, with no influence of any kind affecting them, are to hear the facts, and, with the assistance of the presiding Judge, decide for or against the prisoner who stands charged by the State. That is the normal ideal position. Deputies know that jurors driving in ten or twelve miles to the city of Cork to try some man for armed robbery, arson, or some such offence, are not just in that position. Deputies know that these men, when the trial ends, when and if sentence is passed on the guilty man, have to turn round and drive back from Cork City to their homes, in perhaps isolated areas, where armed gangs still operate, and where the writ of the gunman runs. Now, this Bill is based on reality. It is based on a common-sense appreciation of the position in the country, in certain areas, of which Deputies must be aware. I put it to Deputies that their responsibilities to the people lie in facing the facts presented to them, and in passing this Bill, not with gusto, not with any particular zeal for passing a measure which admittedly offends against certain general principles which ought to obtain if we had a normal ideal situation in the country, but as a necessary measure for the discharge of their stewardship to the people to whom they are responsible. It is not a popular Bill, but it is a just Bill, an honest Bill, and some of us did not come into politics for popularity. I move that the Bill be read a second time.

**Mr. HOGAN:** I second.

**Mr. JOHNSON:** The speech the Minister has just made is very like a repetition of a speech he has made more than once to justify a very much more drastic coercion Bill than this one. One would imagine that it was necessary to harrow the feelings and play upon the hatreds of Deputies to induce them to support the Bill, by presenting a picture of the country as it was twelve months ago. I think it is

a pity that the Minister should allow his personal feelings to lead him into making jibes about men under his control, within his power, and unable to retort. That, of course, is merely a matter of taste. I cannot support the Bill. I think no case has been made out for it. The Minister referred to epithets used in the past, when other Ministers in other Governments were in the habit, shall I say, of using when introducing Bills of this kind, and calling them Coercion Bills. A good part of his speech was taken up by referring to the intimidation of jurors, the difficulty of proving cases before a jury, because of the fear witnesses might have of intimidation and violence. I think if the Minister will look back upon these Coercion Bills that he refers to, he will find that examples have been put before him where jurors were dispensed with, and yet a prisoner charged with an offence could be brought to trial. The case that is made for this Bill would have been easier understood, and somewhat less objectionable, if it really had to do with those people whom the Minister for Home Affairs states are still in the hills, still waiting in the country for opportunities to commit crime, but against whom definite evidence of guilt may not be obtainable. If the Bill were intended to deal with such persons and rather to cover the possibility that crime may be prevalent in special circumstances, and by virtue of the new situation, the ordinary machinery of government and the ordinary sense of civic responsibility for the due operations of the law had not been very clearly established in the mind of the community—if the Bill was only referring to such people and with a view to assisting the Government in such circumstances one could understand better the proposition in the Bill. But, as I said earlier, the arguments that have been adduced in favour of this Bill are not intended for such a situation alone. I could have understood the plea for such a Bill if it had been said, "Well, we have brought peace to the country, we have used the powers that were given to the Executive in the Public Safety Act, and by virtue of the use of those powers a certain state of things has

arisen, and now we propose to loose those powers, to resign those special powers that have been given to us, but we fear that there may be a short period of strife and unrest and a short period of crime which cannot be proved definitely in Court, and during that period we require to have these powers of detention." If such an argument had been used I could understand it, without perhaps agreeing with the conclusions, but that is not the proposition. The proposition is that as many persons as the Minister may think ought to have been detained and who are now detained, may continue to be detained for twelve months at the discretion of the Ministers without any attempt to produce any proof of guilt of any offences.

If this Bill had followed a release of all untried prisoners I could have understood better the force of the contention of the Minister, but that is not what is proposed. The Minister has disavowed any intention to release untried prisoners, except at such moment as he, or the Executive, may think desirable. I object, for one, to extend the powers of any Executive over the bodies of citizens in such circumstances. There have been, we are told, any number, from 10,000 to 15,000, prisoners arrested under the provisions of the Public Safety Act and 10,000 of them have been released, but there are still four or five thousand detained, some of them in close confinement. Now what is the argument? That positive proof justifying a jury cannot be brought into Court against some of these prisoners; therefore it is desirable to detain them because though we cannot produce proof of guilt of any offence, we are reasonably satisfied that they are guilty. Is it argued that proof of guilt could not have been obtained and produced to the satisfaction of a court or a magistrate of the guilt of any of the 10,000 men who have been released? Is it suggested for a moment that proof of guilt cannot be obtained and brought into court against those who are at present detained? There are men, as there were women, who were detained under the Public Safety Act, and who were arrested in the act of offending very, very seriously. If

one treats them in the way the Minister has done as criminals, proof can be adduced to satisfy any court of the offences. In the absence of any attempt to bring such offenders to court one must conclude that in the mind of the Minister, and, I think, probably wisely, it is desirable to consider the offences of these men in a different category from that of ordinary crime. The absence of trial of men who are easily proved to have been guilty of offences for which they are detained, indicates clearly enough that the Ministers in their discretion, I think a wise discretion, have decided that they should not be charged with offences for which they could be proved guilty. There is a reason.

The Ministers recognise that whatever horrible results have followed the commission of those offences, it is not desirable to charge them with the crimes with which the Minister in his speech has charged them. I submit that the end of that line of thinking, recognising that special circumstances require special consideration of those prisoners, is that, inasmuch as they are not guilty of crime in the ordinary sense, the occasion for the commission of the offences for which they have been arrested and detained is past and should be followed by release. To ask the Oireachtas to give power to Ministers to continue to detain such prisoners for another twelve months at their discretion, notwithstanding that they refrain from bringing such persons to court, and charging them, is too much, and the discretion asked for should not be given.

The term, "Irregulars," has been generously applied to the majority of the prisoners, because I think I am right in saying the Irregular is usually a man who follows an army as an auxiliary to the army, but who is not on the regular establishment. However, for home consumption, the term has been applied to avoid using an epithet which perhaps might be taken to be an honourable one in this country, but which in other countries would be looked upon as dishonourable. To my mind the circumstances require that the powers that are asked for should not be given, especially the power asked for in Section 3 to detain

[Mr. Johnson.]

men who are already in prison, some of them for many months, and against whom the Government is not willing to prefer a charge. Whatever reason there may be for declining to prefer a charge, that same reason, if it has any good in it at all, is sufficient for release at the present time. I think it would not be too much to say that the absence of a general organised armed activity for the last few months is a fair sign that there has been some organisation of those forces, so many of whom are now in custody. The fact that there has been this absence of armed activities on the part of those men would give one reasonable ground to assume that there is some discipline, and that the release of those who are still in custody would not be followed by any further armed activity. It may be said that the risk is too great, that the men still detained are those likely to be the organisers of a future revolt. It may be so, but if this is to be the argument on which the Minister will rely, can you fix twelve months as the limit of detention of those men? I submit there can be no limit to the detention if that argument is to prevail. It must be permanent unless you think that the character of Irishmen has changed utterly with the change in political institutions. The Minister assures the Dáil to-day, as he has done previously, that we do not desire to detain those men one hour longer than the public safety requires, and that they are the judges of what the public safety requires. One can quite understand the position of a Government which assumes that power and that authority.

**Mr. O'HIGGINS:** It is not assumed.

**Mr. JOHNSON:** Which claims that power and that authority. It is the position taken up by every autocracy, even every tyranny. The man holding power, be he Czar, Kaiser, or Caesar, is the judge of what the public safety requires, and if he says a citizen should be detained, then nobody should say him nay.

**Mr. O'HIGGINS:** Surely the Deputy will agree that our position imposes upon us the duty of telling the representatives of the people what we consider the public safety requires.

**Mr. JOHNSON:** Certainly, but I am asking the representatives of the people not to give you that authority, but to insist that the Courts of Justice shall be the deciders of whether a man shall be detained or not. I say this Oireachtas would be abandoning its functions if it hands over this authority to any Executive who overrides and supersedes courts of justice when proof cannot be adduced of the guilt of an offence against any person. You have men in your charge whom you can prove to be guilty of offences. I challenge you to bring those men to court or to release them. You cannot say with respect to those men you have not proof of their guilt.

And even with the arguments brought forward under this Bill you have no right to detain men on the ground that they are merely suspect when you are perfectly conscious of the fact that you have proof in your possession of their guilt of certain offences. I believe that the time has come when we must demand trial or release. It is a logical difficulty that the Government is in, and it has not been pressed hitherto, but unless there is to be release I demand that the prisoners in your possession whom you can prove to be guilty of offences should be brought to trial, and risk the consequences. And while I say that, I say without question, in my opinion, that by far the best policy for the Government to adopt is to say: "We are satisfied; we have got control of the country; we are satisfied that the people are with us; we are satisfied that the State is established; we will now release prisoners who have been detained for their attempt to overthrow the State, and we will deal with new offences when they arise in the way they should be dealt with."

**Professor MAGENNIS:** Some years ago a junior barrister had made a long and impassioned speech in defence of a prisoner, and in leaving the court after the Judge had sentenced the prisoner he asked a friend what he thought of the speech. The friend said to young "Gasaway," Barrister-at-Law: "It excited a great deal of sympathy for your client." Deputy Johnson's speech excited in my soul—and I listened to



it with the utmost attention—that feeling of sympathy for whomsoever chances to be the Leader of the Opposition. But one great principle to which Deputy Johnson was faithful throughout his speech was the doctrine that it is the duty of an Opposition to oppose. Except for that as the animating principle it is very hard to understand the line of argument taken, the country of argument traversed, by the Deputy. In effect, it amounts to the cry that has become a parrot-cry, Sunday after Sunday, from certain hustings in the city—“Release the prisoners.” True, Deputy Johnson says we are to release the prisoners and disregard the consequences—

**Mr. JOHNSON:** I think the Deputy is misrepresenting, unintentionally, what I said. I said: “Bring them to trial and risk the consequences.”

**Professor MAGENNIS:** Yes, but it amounts to the same thing. As the Minister for Home Affairs has shown, to bring them to trial—a very fine phrase—is, in the actual circumstances of the time, merely to secure their release. There are two ways of releasing a prisoner. One way is to open the jail door and order him to depart hence; the other is to bring him to a trial which you know beforehand, under all the conditions of the trial, will be abortive, and that he will pass hence, so that in effect what Deputy Johnson proposes is that they be released. We had all these arguments before, and Deputy Johnson informs us that the circumstances of the country are so essentially different now that the arguments which justified the passage of the Bill on a previous occasion are no longer valid. That is true, as the Minister has pointed out to us, with regard to certain districts, but it is not true of the entire area of jurisdiction. So that what we are really confronted with is this, that a certain concerted movement, a conspiracy, in short, against the life of the Free State, has brought about such a demoralisation of the people that our civilisation in certain quarters is shattered, and we have the duty cast upon us of attempting to save the rest of the country from

the consequences of returning to centres of disaffection men who would renew there the active operation of that conspiracy. At bottom the whole question as between Deputy Johnson and the Minister is a question of fact in that regard. Does Deputy Johnson assure us that he is in a position to know that if there is a general jail clearance at the present moment there would be no serious risk to the public safety? The Minister for Home Affairs, one of the important members of the Executive Council, who has access to sources of information, who is daily and hourly in receipt of official communications with regard to the state of the country, gives us an opposite assurance.

As between the two conflicting witnesses, if I may call them so, are we not entitled to accept the authority of the Minister? It is really a question of fact that is in issue here. Deputy Johnson, no doubt conscious of the weakness of his case, discusses the good, or the bad, taste of referring to the pastimes and entertainments of leaders on half-pay. He alleged that the Minister had taken advantage of the helpless position of his own Teachtaí, and instead of the gaoler shedding tears for his prisoners that he utters jibes. But we are not oblivious to the fact that prisoners before now have been regarded as the living centres of influence, as the inspiration of movements, and there are only two ways of destroying that influence, either by overcoming the follower or by lessening the authority on the other hand.

This Bill proposes in effect to suspend the ordinary rights which in normal times would be rights of the well-affected citizen, if arrested for an offence, to be indicted and tried. Who are the citizens who are entitled to enjoy the rights of citizens? Are they any of the population who, by their own acts, and their own declared attitude towards the State, voluntarily in effect deprived themselves of these rights? Deputy Johnson spoke as if the Minister had said that it is merely at his discretion to consider that the detained is guilty. Surely it is not necessary even for the Minister to entertain a belief that the prisoner is

[Professor Magennis.] guilty. Is it not his duty to detain the man in question if he is reasonably satisfied from what is within his cognisance that it would not contribute to the peace of the community to restore him to that community? The responsibility to preserve peace and the amenities of citizenship for all who are well disposed is on the shoulders of the Executive. It is easy to talk sentimentality and bewail Christmas detention, but what about the people outside the prison who have never been arrested because there was no necessity to arrest them? Are we to neglect their interests and merely actuated by a spasm of sentimentality to endanger their enjoyment of the Christmas season?

**Mr. JOHNSON:** I did not refer to the Christmas season.

**Professor MAGENNIS:** The question of peace was introduced by the Minister, and he, in fact, made the whole case, in so far as there is a reasonable case to be made against the proposal, and he showed a spirit of conciliation in the matter, a willingness to consider all that might reasonably be put forward. Deputy Johnson maintained that no case had been made for the Bill, but I maintain that no case has been made against it by Deputy Johnson, except this appeal to sentimentality, and it is a period at which people are particularly alive to sentimental appeal. It was not necessary to mention the Christmas season.

The whole contention is that we are to behave in abnormal times as if the times were normal. It is one of the most frequent fallacies inflicted upon us in speeches from the opposite side that we are to ignore circumstances, always to consider the abstract view of things, and to refuse to recognise the circumstances of the actual. What is being dealt with at the present moment is an actual situation. We are not indulging in an academic discussion as to the principles in the abstract of good Government, or of the administration of justice, or how to deal with suspects; we are dealing with a highly complex, difficult and delicate problem. If it is properly handled much good may accrue to the State, whereas if

we act merely from sentiment we may revive the smouldering embers and permit the conflagration being renewed. Deputy Johnson is not stronger than I should be against any encroachment of the liberties of the subject, or any effort to set up an autocracy, or to invest the Minister with autocratic powers. He spoke of Czars and Kaisers and Caesars. Who is Caesar? Caesar in this case is not the Minister, but the responsible Government of the Free State, and the Minister comes to the Dáil to be empowered with Parliamentary authority to do what he claims to do. These terms of Czar and Kaiser are introduced to confuse our thought, and to suggest by wrong imagery a view of the situation which is false. If the Minister claims that he in his personal character as Minister for Home Affairs is entitled to say: "I will and order that these men be detained," that would correspond with what Deputy Johnson terms autocratic, the act of an autocrat. But he comes here under a representative system and asks through our votes to be invested with power to do these things.

**Mr. JOHNSON:** Like Mussolini did.

**Professor MAGENNIS:** Mussolini, if I may correct the historical parallel set up, first invested himself with the power, and then asked his followers to assent to the investment. This is a very different proposition. The Minister comes to the Dáil, introduces a Bill, and asks for our votes to give the Executive or any member of the Executive, the power required.

True, he has not stated to us—how could he?—the totality of the evidence on which he and the Executive are convinced that these abnormal powers are requisite. But he has made a sufficient case which Deputy Johnson has not refuted to show that this is not the moment to put the power into abeyance which the temporary Act had conveyed to the Ministry. The onus is on those who say the time has come to cease the exercise of these powers, and Deputy Johnson has certainly not shown that the hour has struck. He has said that the time has come. I took him to refer in that to Christmas, but he repudiates these sentiments.

He means, therefore, that a situation has come about in which this is not necessary. Where is the evidence of that? Are the dumps as a policy abandoned, are there no speeches made, is there no propaganda of which we are aware which suggest a recrudescence in portions of the country of methods of violence? I suggest, again, that it is for those who claim that the Act previously passed should be brought to an end to show reasonable cause why it should so terminate. We have no evidence to that effect. We have the statement, which it is reasonable to accept, that the time is not opportune, and as between these two authorities I accept the one which is in the position to be the authority, as knowing the facts.

**The PRESIDENT:** I move under Standing Order No. 16: "That the Dáil sit later than 4 p.m. to-day."

Agreed.

**Mr. GOREY:** I ask leave to move under Standing Order 17: "That the Dáil do adjourn for one hour."

Agreed.

The Dáil adjourned accordingly at 1.45 p.m.

On resuming,

**Mr. GOREY:** In the opening speech of the Minister for Home Affairs, he mentioned certain counties as being in a worse state than others. In mentioning those he mentioned the county from which I come. Portions of it, he said, are unsatisfactory. I am unaware that it is unsatisfactory in what may be termed the political as apart from the agrarian aspect. But I do admit that in the agrarian aspect there are portions of it not as satisfactory as they should be. Although we are aware that these conditions exist, and although the people who are the cause of it are well known in the district, we are aware of the impossibility of making a case for a jury.

There may be what is called disorder, or the elements of disorder, in the political sense in other parts of the county, but I am not aware of it. In approaching this matter, I want to say that I do not want, if possible, to duplicate what I agree with in Deputy

Magennis' speech or in the speech of the Minister for Home Affairs, or in the speech of Deputy Johnson. I do not think there is any use in duplicating arguments.

There are two or three big issues involved in the whole question. One big issue would be the liberty of the subject. That issue, to my mind, is very important. There is another issue, and that is the preservation of the State; in other words, the liberty of the ordinary man in the street. And there is just one other issue that has not been touched upon, and that is the preservation of the fabric of Justice. Our Courts of Justice are based on trial by jury. That is the great fundamental foundation of our code of Justice.

Now, in going back on trial by jury, we all know—at least it is borne in on some of us—that in Ireland the goddess of Justice cannot be said to wear a tighter crown or a crown fitting more closely around her head than in any other country. It is as loose as it is in any other country. Judge after judge, and lawyer after lawyer, and the ordinary man in the street, has listened, before ever trouble started in this country, to trial by jury, in which clear evidence was put up—and I speak now especially of the country parts—and great difficulty was met with in getting a verdict according to that evidence. I speak of evidence that would satisfy a jury. I have seen and heard in many cases evidence sufficient to satisfy. I knew a juror in one case with which I happened to be concerned to give as his excuse for disagreeing with the rest of the jury that he could not find the man guilty, but that he would recommend him to mercy. That is not an impossible type to meet with in the circuits on this question of trial by jury. Now, is it advisable that additional pressure, or what might be called intimidation, or the possibility of it, should be added to what jurors and witnesses have to put up with?

If an additional strain is put on their sense of citizenship and justice, and if that strain is so much  
3 o'clock. as to bring the fabric of justice to breaking point, the position would be one of the most

[Mr. Gorey.]  
 unfortunate that our country could find itself placed in. When speaking on this question I would like to make it clear that I am speaking not as the leader of a party. Some of my friends on these benches differ with me, and some agree with me. It is our duty to establish a condition of things that will enable juries to function honestly and fearlessly as citizens. They are not able to do that if we force trial by jury at a stage when juries as citizens could not or may not be able to do justice to the State. We would be taking a grave responsibility, and perhaps force a condition of things where trial by jury would end. That is a grave responsibility that every man who knows the country must face. There is no use in making this not alone a possibility, but a probability. All this must be present in our minds, especially in the country. Is that condition of things desirable? Should juries be forced to discharge their duties as citizens in an atmosphere and at a time in which it is not humanly possible that they could do it fearlessly?

I set more value on the life of the law and the continuance of justice, and the execution of that justice, than on the liberty of any citizen or any body of citizens. The law must live and the confidence of the citizen in its justice must be preserved. The law must remain, while citizens come and go, when they are born into the world and when they die. That is the position as I see it, and I want to face it honestly and squarely. I am not thinking of myself nor of any individual; I am trying to think in the interests of the country as it is and as it is going to be. I do not think it is advisable to force a position whereby the cord of justice would be stretched to such a point that it might break. We do not want to be coming from the country always to Dublin for trials. That is a condition of things that is most unhealthy.

Every circuit ought to be sufficient to deal with crime within that circuit. The condition of things that makes it impossible to have justice administered within the circuit, and to force the law to function in that circuit at a time when it is not humanly possible that

it could function, honestly and fearlessly, is not acting in the interests of law or in the interests of order, or in the interests of the State. Now, if the civil law is to be put into operation at the moment, and no other law, the question that faces me is that the civil arm of the law to be effective at present should be armed. We know that there are arms in the country, any amount of them. I do not speak of arms in the hands of Irregulars alone. I think the arms in their hands, that is in the hands of what I might call responsible Irregulars, are the least dangerous. Arms in the hands of irresponsible Irregulars are much more dangerous. Arms in the hands of the man who is out for loot and robbery are very much more dangerous still, and arms in the hands of soldiers, mobilised or demobilised, without authority, are the most dangerous, perhaps, of any.

And such a position exists. Soldiers leaving the Army had the opportunity of getting and retaining arms. Some men, perhaps, even in the Service, are subject to some of the traits that human nature is subject to, and have, perhaps, an extra strain of the original Cain. That is not the monopoly of any class of citizens, but if the civil arm of the law alone is going to operate while all these arms are in the country held indiscriminately in the hands of men, the Civic Guard must be armed. Do we want the Civic Guard armed? (Deputies: "No, no.") Do we want such a condition as that? That is a question that any man with a sense of responsibility, without thinking of personalities, must face honestly and squarely, and I want to face it. As I see this matter, we must accept this Bill as a necessity. We dislike it. All of us with a sense of civic spirit and liberty must dislike it. I dislike it as much as anybody, but it is a question of evils. I have mentioned some of the evils as they appear to me. Other Deputies have mentioned others; I am not speaking on behalf of any party in this matter—I am speaking for myself alone, and in that capacity I will vote for the Second Reading of this Bill.

**Mr. P. HOGAN (Clare):** As one of the Deputies from one of the terrorised districts of which the Minister for

Home Affairs spoke, where we will have to bolt our Christmas doors and muffle our Christmas windows to save ourselves from the terrorists who stalk the land, I think I have a right to say something on this Bill. I intend to oppose the measure, and I will give my reasons as briefly as possible. The Minister for Home Affairs told us he was waiving certain fundamental rights and principles under this Bill. He gave us new terms in law, such as "common knowledge," and such things, and he told us about common blackguards, and from that he proceeded to imprison those blackguards on common knowledge. He did not take the precaution to prove one elementary principle of blackguardism, or one elementary act of blackguardism against any of these parties. Deputy Gorey and the Minister for Home Affairs are more or less at one in this matter. They do not believe that jurors will discharge their duties, and they tell us the verdicts juries will give will be verdicts inspired by terror. But perhaps I am entitled to ask Deputy Gorey and the Minister for Home Affairs, how does it come about that they are entitled to say what is justice and what is a true verdict? How do they become super-men to decide against the decision of twelve men who are put forward to try a case? Now, there is another point in the matter, and it is rather serious. We abrogate the fundamental principle of freedom upon which every constitution is based, namely, that the citizen is entitled to trial, in order to build up this emergency structure. That is not denied; yet the Minister for Home Affairs told us that it was only in five or six different parts of Ireland that it was necessary this thing should operate. If I am to take the statement of the Minister for Finance that the war of destruction is over, how is it that the Minister for Home Affairs cannot concentrate on these five or six areas, instead of making the imposition of this measure apply to all Ireland? It surely should be in the power of the Minister to concentrate the forces at his command on these areas in bringing about the condition of affairs in

these five or six areas which he says applies in the rest of Ireland. There were some references in the remarks of the Minister that one might have thought would certainly not appeal either to people in this Dáil or outside it. He told us that when the British were rampaging in this country some of the men—I am not sure whether he said all or some of these men—were under the bed. I would suggest to the Minister for Home Affairs that patriotism is not the monopoly of any party in this country, and that there are men incarcerated and on the hillsides to-day who did as much as any person in this Dáil or outside it to bring about the state of affairs that we have at present—that is the freedom that we now enjoy. But the particular point I want to make is this, that for the sake of handing over to a few people, who will be in the position of autocrats, the right to say what is or what is not a correct verdict, is sapping the very fundamental principle upon which common justice is based. If we say that a band of terrorists in any part of this country can force juries to bring in a false verdict, then, I say, this measure is not calculated to produce the bringing in of true verdicts, because we would put in the hands of people, who may or may not be prejudiced, power to say who is or who is not to be free in this country. That is a state of affairs we are told existed in far away Russia in the days when it was in the power of one man to sling other people into jail and hold them there as long as he liked. There is a provision in this Bill which says you can appeal to a court, but when the result of that appeal is notified to the responsible Minister he has the right to refer it back again, if there is further evidence to be adduced. I ask you as a body of sensible citizens, to say what is to prevent anyone who can bring in evidence piecemeal to keep men incarcerated indefinitely. And if that authority, vested in the body of citizens constituting the State, is to be relegated to one man or a set of men who will set themselves up as autocrats or super-men, then the freedom of the citizen is in very grave danger.

**MINISTER for AGRICULTURE (Mr. Hogan):** I do not think I ever listened to a less frank speech than the last speech. I could forgive it in any man except a man who comes from the County Clare. I know the County Clare, and so does the Deputy who has just spoken; we both come from the county, and know it fairly well, yet the Deputy gets up here before thirty, forty, or fifty men who know the country fairly well, perhaps not as well as either of us, and he asks us what reason have we to think that a jury in the County Clare would not fearlessly convict a man for seizing his neighbour's property, and he asks us is there anything inherent in the present situation which makes it less likely that a juror or a witness in Clare will not do his duty in a case like that.

Deputy Hogan knows as well as I do, that that is an absolutely unreal question in the circumstances of the case. He knows as well as I do that there are a hundred and one factors operating in the County Clare at the present moment which would make it even less real than it was formerly: that a jury would go out of its way to convict a man who had been knocking his neighbour's walls or grabbing his neighbour's land, or that a witness would go out of his way to walk, let us say, from West Clare into Ennis to give evidence against the co-operative society that was seizing land all over West Clare, and that he would go home in the dark of the evening without a revolver or protection of any kind.

**Mr. HOGAN (Clare):** I did not say "go out of his way." I said he would do it in the ordinary course of events as a citizen.

**Mr. HOGAN:** Do you really mean that? Was there ever such nonsense? This Bill may be an absolutely rotten Bill, but let us, for goodness sake, try to get next to the issues that are raised in the Bill and tackle them honestly. I say the Deputy's method is not tackling the issues honestly, and that to say that there are no reasons present at this moment which make the position of a jury or a witness different from what

it was, let us say, in the year 1913, is not tackling the issue honestly, and any Labour Deputy, Farmer Deputy, or any member of the Cumann na nGaedheal Party who would take up that position must know it to be a most unreal position. Deputy Johnson made the case by the very facile and easy method of saying "Release the prisoners or try them." That, again, is simply a dark counsel.

I would like to ask Deputy Johnson or any other Deputy here this question: If it were possible and convenient to try all the prisoners whom we have taken, would it not be our duty to try them rather than to release them without trial? I would like to have an answer to that question now. If it were possible or convenient to do so, would it not be our duty to try these prisoners rather than to release them?

**Mr. JOHNSON:** The Minister for Home Affairs defends this Bill on the grounds that you have not got proof. I say if you have got proof it is your duty either to try the prisoners or to release them.

**Mr. HOGAN:** That was not quite the position that the Deputy took up. He said you have thousands of prisoners all captured in arms.

**Mr. JOHNSON:** I did not say anything of the kind.

**AN CEANN COMHAIRLE:** What the Deputy said, I think, was that there were some prisoners captured in the act.

**Mr. HOGAN:** Very well, I will take that, that there were some prisoners captured in the act. My interpretation of that may be far-fetched, that when the Deputy said that he was referring to the vast number of Irregular prisoners whom we took through the country actually on active service. That, I take it, was what the Deputy meant, and his suggestion was that the mere taking of them was evidence that we could prove a charge against them.

**Mr. JOHNSON:** Does the Minister suggest that the Government or the military authorities have no prisoner

in their custody that they could not prove guilt against up to the hilt?

**Mr. HOGAN:** I did not make any such suggestion. What I did say was this, that Deputy Johnson took up the position that we had a very large number of prisoners in our possession caught in the act, and caught in the execution of certain operations, and that we could try them and prove a case against them, that we had evidence against them in our own hands, and then he went on to draw his own deductions from that, and asked, "Why do you not try them?" He said, "The mere fact that you do not try them, that you have not tried them, and that you are releasing some of them, shows that you regard what has been done, and regard the men who have been doing certain things during the last year, not as criminals which they would be in certain circumstances, but something very different." That was his line of argument.

**Mr. JOHNSON:** Do you deny it?

**Mr. HOGAN:** Does the Deputy really suggest that we could try every prisoner taken in the act? Is that his suggestion? The Deputy knows as well as I do that it would be quite impossible for us to try the thousands and thousands of prisoners taken in the act. I make him a present now of the legal difficulties of getting the particular soldier, the particular man and the particular officer that captured these prisoners. Supposing that we had all that evidence, the Deputy knows quite well that it would be impossible for us to try all the prisoners taken in the act. He knows quite well, though, of course, it is not his business to suggest it, that supposing we were to try all these prisoners, we would have to set up special machinery for the trial of seven or eight thousand prisoners caught in the act. He knows that quite well, and what he is really doing is this: he is trying to put us in an impossible dilemma by saying "Release the prisoners or try them." His suggestion amounts to this: that we should try all the prisoners, every one that we have a charge against, and remember that we have seven or eight thousand prisoners.

The Deputy's suggestion is simply an attempt to put us in an impossible and in an unreal dilemma, and is not a facing of the facts of the case. In the next breath you have the Minister for Home Affairs charged with calling these prisoners common blackguards, and he is reminded that there are men on the hills who did as much for Ireland as anybody else.

**Mr. JOHNSON:** When you say in his next breath, are you referring to my speech?

**Mr. HOGAN:** No, I am referring to Deputy Hogan's speech.

**AN CEANN COMHAIRLE:** The next speech rather than the next breath.

**Mr. HOGAN:** I assume that all the members of the Labour Party breathe the same air. At all events, all their speeches have the same rarified air. The next charge from the Labour benches is, that the Minister for Home Affairs referred to these men as blackguards. The Minister was reminded that there are some great fellows on the hills that did as much for Ireland as anybody else did. The Minister for Home Affairs was extremely careful to draw a distinction. He was extremely careful to say, and I repeat that we will never get anywhere unless we try to meet each other's points, that there were different classes amongst the Irregulars; that there were on the one side a number of ordinary, decent country fellows who were deceived and led astray, coerced, if you like, in a great many cases into this movement, and that, on the other hand, there was an extremely large number who took advantage of the invitation which they received from de Valera, who told them "Ireland is yours for the taking; take it," and who started to call this Republicanism. The Minister was careful to make that distinction.

**Mr. JOHNSON:** Can you prove that?

**Mr. HOGAN:** Certainly.

**Mr. JOHNSON:** Is it a guilty act?

**Mr. HOGAN:** I think it would be better if the Deputy allowed me to finish my speech. There were men, I say, and every Deputy on the Labour

[Mr. Hogan.] benches knows this, and every Deputy from Clare and from Tipperary, and, indeed, from all over Ireland knows, that there were hundreds of these men who took advantage of the invitation they got from the President of the Republic, when he told them that "Ireland is yours for the taking; take it." In response to that invitation they went out and committed a series of offences, not only against life and property, but against all the decencies of life. Everyone here knows that the Minister for Home Affairs made that very distinction, that there are two classes to be considered. We probably caught the first class in arms, and I do not stand for trying them. I would release them. The Minister for Home Affairs would probably release them, and, as a matter of fact, has been releasing them, and all he claims is the right to make a judicious selection as regards the first class, even though they were caught in arms.

**Mr. JOHNSON:** I am glad to hear that.

**Mr. HOGAN:** Even if they were caught in arms the first class will be released gradually. As a matter of fact they are being released rapidly, and will continue to be released rapidly, though they are men who were caught in arms, whom Deputy Johnson wants us to try. But you will not catch these in arms—at least, not as often as the others. You will not get your bank robber as often in arms; you will not get your looter, you will not get the sort of man who became demoralised—whose character was so weak that he allowed himself to degenerate into a type that has very nearly disgraced this country. You will not get him in arms. He will be careful to advise his proofs before he does anything. The fellow who goes out at night and knocks his neighbour's walls, drives away his neighbour's cattle, or robs the local shop, will call himself a Republican; he will appear to the shopkeeper or bank manager as a Republican, with a revolver in his hand, but he will not be caught in arms. What are we to do with him? Deputy Hogan scoffed at the idea of "moral cer-

tainty." The Minister for Home Affairs comes from the country like ourselves, and he knows, as Deputy Hogan knows, that there is such a thing as "moral certainty" in these cases. He knows perfectly well of the conditions that obtain in the country, and that it is known that certain men either did a thing or inspired it. There may, however, be no evidence available; it may have been done secretly. The Deputy knows that conditions make it unfair to ask the ordinary citizen to go into court and to give evidence against the culprits. After a couple of years of revolution you have a different condition of affairs in the country from what you had previously. You have a change of mind and heart in the people. If you admit that there is a change which makes things more difficult, will you put up a constructive alternative to the Bill put forward by the Minister for Home Affairs?

There is no alternative that I can see. We take power, under this Bill, to intern, not the man who is caught in arms as such, not the man against whom there is nothing else, but the man, whether he is caught in arms or not, whether he is a prisoner at present or still on the hills, in respect of whom there is a "moral certainty" that he has committed heinous offences already, or who we know, from the intelligence we have in our prisons and elsewhere, has not changed his mind, but is likely to go out and commit the same offences again. The only power we take is to delay the release of men like this—not to release them until our foundations are a little more firmly laid and a little better set. Is there anything terrible in that? What is the alternative? What would Deputy Johnson or Deputy Hogan do with the village blackguard, who we all know has been committing offences and who, we all know, is likely to commit offences? Does he say, "Release him or try him?" There is nothing else in question. If you once take power to intern on suspicion, you can say: "Intern on suspicion everybody who is caught with a gun," or you can say: "Intern on suspicion everybody who has not been caught with a gun, but whom there is some offence against."



**Mr. JOHNSON:** Would the Minister say whether the intention behind Clause 3 of this Bill is to detain only those who have been guilty of this kind of blackguardism which he is now defining?

**Mr. HOGAN:** The intention under Clause 3 of the Bill is quite clear. The Bill gives us power to intern the man whom the Minister for Home Affairs described for shortness and in a way we all understood, as "the black-guard." It gives us power to intern the man who still takes up the position that he is either a member or a supporter of a rival Government not elected by the people, who claim to be entitled to take advantage of the arms that are dumped in the country to start this war again. Does the Deputy object to that?

That is the answer to the Deputy's question. Either we must have power to intern on suspicion, and we must trust the discretion of the particular Minister responsible, who is here in the Dáil, to be criticised day after day, for every act of his under this Bill, or we must take the bull by the horns and say, "Release or try." There is no other way out of it.

We ought to face the real issues raised in this Bill. We ought not to be putting up arguments for the sake of knocking them down. Meet the real points raised. I suggest to Deputy Johnson, apropos of his opening remarks, that what this country wants is not "good taste"—though it could do with a little more of it—but God's truth.

**Mr. BAXTER:** In introducing the measure, the Minister for Home Affairs told us that his predominant thought was to afford adequate protection to the simple people of the country, and he puts the responsibility on the Deputies here to discharge their duties to the people. I think we are to assume that his point of view as regards their discharge of that duty to the people is that they shall agree to the Second Reading of this measure which he has introduced. I have been listening to the Minister for Home Affairs and to the Minister for Agriculture, and I have been trying to get to the back of their minds and to discover what is the

real reason for the introduction of this Bill. I must say that I am not yet clear, from either statement, what is the real purpose of the measure. The Minister for Home Affairs, in one part of his speech, told us of the dangers to the people of the country and of the difficulties that the law will have to encounter in getting decisions in the courts against people who commit offences. He went on to the part of the measure that entitles him to hold prisoners in camp or in prison without trial. He gave us his reasons why these prisoners should be kept. Nothing that either Minister has said, so far as I can see, is sufficient justification, taking into account the conditions in the country at present, for suspending three clauses of the Constitution. The principal argument of the Minister for Home Affairs, in introducing the measure, was, as far as I understand, the fact that jurors down the country could not be got to perform their duty under present conditions as they should.

They could not be got to give decisions because of the danger to their persons and because of their lack of physical or moral courage. Because of that fact the alternative is, where there is a suspicion that men or, I presume, women have committed offences, to cast them into prison, or into internment camps, during the pleasure of the Minister. He seeks power from the Dáil to arrest and intern men, and he also seeks power, and I think this is much more dangerous, for military officers to arrest and detain, for a period of seven days, people, up and down the country, who may be suspected of having committed offences. That is going very far, indeed, and if the people of the country and Deputies are to give power to military officers to go into homes as they please, and take away boys or girls, keep them for a period of five or six days without bringing any charge against them, and without any possibility of their being brought to trial, it seems to me it is going too far. The Minister for Home Affairs may assure us that these officers will not outstep their duty, and that although this liberty may be given them, they will have very good reason for

[Mr. Baxter.] any drastic action they may choose to take. It will not satisfy me that this power should be given into the hands of military officers up and down the country.

It is only a few weeks ago, when coming up here with two men, who are very well known in my county, that I encountered these officers, in plain clothes, at the railway station. They presented revolvers at our heads and marched us off, without asking our names, after a minute inspection of our belongings—more minute than I had ever experienced before. They then hawked us through the city in a Crossley tender. They brought us to some barrack which rang up Headquarters, and our names were then, and only then, asked. The names were given to Headquarters, and orders came for our release with profuse apologies. A mistake had been made! But we had spent three or four hours going round the city. I do not want to see military officers given powers to treat citizens of the Saorstát like that again. I do not think it is right that such power should be put indiscriminately into the hands of any army officer in any country.

We are told that the state of affairs in the country at the present moment demands that this measure should be passed. The Minister for Home Affairs has given us an account of conditions in a few counties, and we have heard of these conditions from some of the Deputies. I did not hear my county mentioned. We have had some unpleasant incidents there and some shocking happenings within the last few days, but from what I know I say honestly that there is no occasion for such a measure to preserve the peace, to preserve law, or save the citizens of the State from attack by anyone. I say more, that I do not think it is going to afford the citizens of this State any more protection than they can have under the ordinary common law. I hold that the ordinary common law should not be suspended. If men commit offences they can be brought before the Courts and evidence can be secured against them. Juries can be found who will

find verdicts, as juries have found verdicts recently, that resulted in the passing of death sentences. Surely jurymen can be got in every district in the country to discharge their duties. It would be time enough when they had failed, and when the Minister for Home Affairs was able to show the country that the existing powers were not sufficient to enable him to administer justice and maintain law, to take the present step. As to the provision in the latter part of the Bill that gives the right to hold these men and women at present in internment camps and prisons, and the distinction drawn between them, I am not prepared to agree that it is a fair distinction. I believe, and I think Ministers and their supporters will agree, that there are as desperate men outside the prisons and camps, and at liberty, as there are inside. These men are not doing anything very extraordinary. We were told by the Minister for Agriculture of proclamations of the Republican Government, of the dangers if certain people at present in prison were released, and what their support would mean. Well, proclamations have been issued, and I ask the Minister for Home Affairs to say what effect have these proclamations had? Is he seriously concerned about these proclamations? Does he fear that these proclamations are going to upset the State? I think he is satisfied that they are not going to seriously affect the State. Those people who tell us they are standing to maintain the Republican Government have stated that they are not going to give up the continuity of the Republican Government, if only in name. The Minister for Home Affairs is very careful to state at times everything that these people say. I think he should state both sides, and not state what is applicable to his own argument. That would be the fair thing to do.

**Mr. O'HIGGINS:** If the Deputy would tell me.

**Mr. BAXTER:** I am not in a position to do so. I think the Minister for Agriculture told us a few moments ago that the intelligence system in the prisons and elsewhere has enabled you to be in possession of information that

no one else can obtain. I am sure you are in possession of more information at the moment on this point than I could supply you with. When it comes to the question as to whether the peace of the State is to be secured by keeping these people in prison, or releasing them, and when Ministers say that some of the men in prison would be a danger if released, I say there are as desperate men, and more desperate men, outside. There is comparative peace in the country, and I cannot see—and I do not think anyone else can—any danger of or any intention or any desire for a recurrence of the struggle that took place in the country during the past twelve months.

There is no desire, and no intention, and I believe the Ministry are satisfied about that, and have told us as much themselves. It is a very difficult thing to see why some men, who everyone in this country regard as very dangerous, have been released, and why others are being held in custody. We are told in the Schedule of this Bill that revolt against the Government of the country may be a reason why people may be arrested. We are not told whether that means armed revolt or whether it means argument to prove that the policy of the Government is not the best policy for the country. It is very vague and very indefinite. It seems to me that there is one conclusion that must, and will, be drawn by many persons in the country from this Bill. The powers the Ministry are asking for will force people to conclude that the Ministry do not want to give those people an opportunity outside to state their views, or when they do state their views there is a danger that they will find themselves locked up again. It is to be left to the Ministry to interpret what is revolt and what is not revolt. I hold that the Ministry through the existence of one political party are not the most capable judges.

**Mr. O'HIGGINS:** Who should decide?

**Mr. BAXTER:** If any one is to decide let the courts of the country decide. If people are to be interned or imprisoned let those who charge them bring them before the courts and prove that they are guilty of offences, and

when that is proved the country will be satisfied as much as the Ministry that these people should be locked up.

**ATTORNEY-GENERAL:** I wish to make a few observations with reference to this Bill, particularly in view of the manner in which it has been debated. I had supposed that this Bill might be regarded as a non-political, non-party measure, and as one arising from the necessities of the time for dealing, during a transitory period, with crime which cannot be dealt with by any of the known methods of dealing with offences against the law. I have as great an abhorrence, as I am sure Deputy Johnson entertains, towards the infringement of the liberty of the citizen, or as Deputy Baxter entertains against detaining persons for holding particular political opinions. But what is our experience? It is not a matter of politics or of holding certain opinions, but of dealing with offences against the law. We have recently had very considerable tangible evidence of the difficulty that exists in various parts of the country in bringing persons to justice. That takes various forms. I am informed that in one place no jury will convict, and that so many jurors, or persons on the jury panel, have themselves been involved in offences with which persons may be charged, it is impossible to convict. I am informed by a State solicitor with reference to a charge against a man for having in his possession a large quantity of notes, undoubtedly looted from a bank, that he had been approached and asked what to do, and he was told there was no use in going on with the charge, as he might take it as settled that the jury would not convict.

We did bring a number of cases to Dublin, and, in the midst of various observations made about juries here and there through the country, it is well that one should realise the way in which Dublin jurors have done their duty. They have sat for many weeks dealing with cases from various parts of the country, and, whether they convicted or acquitted, I do not think that they gave a verdict that could be challenged; but it is absolutely impossible to impose on the jurors of Dublin the trial of all crimes in the country. They

[Attorney-General.]

have stood it for weeks, but I do not know how much longer they would stand it and continue to deal with matters that should be dealt with locally by local jurors. Many of the offences, which it is impossible to hope to bring to their natural retribution, are properly described as offences against the State. These are cases of wholesale lootings, violence, cases in which armed bands, small it is true, quarter themselves on houses and compel people to support and maintain them—cases in which no one will give evidence. You have, on the one hand, the difficulty with the jury, and, on the other hand, the difficulty with witnesses. We have had experience of that, too, of people whose depositions were very guarded, so guarded that at any preliminary investigation which took place one knew they were keeping back matters, and who when the case was brought to Dublin unburdened themselves of all the facts. There is no doubt that in many parts of the country it is impossible to get crime dealt with normally in present circumstances. The way in which I view the situation is this. I do not view it as hopeless. I believe that when our new judiciary is established, and when we have our new Circuit Courts, in groups of counties within the ambit of a particular circuit, we will be able to get much more efficient trial by jury, and we will probably ultimately, in a reasonable time after the establishment of these Courts, arrive at a situation in which all crime can be dealt with within its own circuit. In the meantime, what are we to do? I will not be any party to returning to the old regime of jury packing. What remains? You cannot ask the juries of Dublin to try all crime. It revolts one to pack juries, and this simple expedient of deterrent detention seems to be the only middle course left between leaving these people at large, to the detriment of the country and a danger to the public safety, and bringing them to Dublin and imposing their trial on Dublin jurors. It is not quite fair to say that they will be left wholly without trial, because this Bill provides for Appeal Councils. These Appeal Coun-

cils may help in this way, that by shifting the onus and requiring the prisoner himself to put up the case to the Appeal Council, the facts may be got at and justice done that, perhaps, might not otherwise be done. When Deputy Johnson demanded a trial—I presume that means an effective trial for all prisoners, including those chargeable with political offences—I wonder, does he do so with the authority of any of those prisoners?

**Mr. JOHNSON:** I have no authority from, and no conversation, 4 o'clock. compact, or communication of any kind, with persons speaking on behalf of those prisoners.

**ATTORNEY-GENERAL:** This was purely a rhetorical question put for this reason. Trial was pressed for in the case of a number of persons deported from England during the year. They got a trial, and I do not know whether they are grateful to the people who pressed for those trials or not.

**Mr. JOHNSON:** It is out of consideration for those people you are refusing to try the rest. You have in your charge the chief culprits.

**ATTORNEY - GENERAL :** Deputy Johnson said in the course of his speech that he thought it was considerable wisdom to hold persons, whose offences were within a certain range, without trial, but subsequently demanded trial for them. I will remind Deputy Johnson of the effect upon people from whom a trial was demanded, and the result of that demand. I regard this as a simple measure for tiding over a difficult situation, which, I think, will be greatly relieved when we have established systems of courts, with juries operating in groups of counties, and not at all as a political measure, which some people describe it. There is only one other remark to add, and that is with reference to the general demand for a release which one hears from all sides. It is true that proclamations announcing peace have been published. If releases are demanded, should we not fairly ask should there not be reciprocity, because week by week there are proclamations and documents issued, signed over Army titles such as

Chief of Staff and so on. What does this mean, taken in conjunction with the demand for the release? I say, let there be honesty and reciprocity, an honest intention to carry out those proclamations, relied upon for the one purpose, and it is probable that the other demand may be acceded to, even to a larger extent than it has been already acceded to.

**Mr. O'HIGGINS:** I have very little to add to the statement which I made introducing the Bill. I was interested in the line taken by Deputy Johnson, but from our angle the dilemma he presented was this: It would be more reasonable to ask for the powers embodied in this Bill to deal with men still at large, who are making life a sour and unhappy thing for residents in particular areas, but you must not ask for powers to retain men whom you have already captured and who contributed greatly to that result in the past. Deputies who know anything of the situation in Leitrim or in East Galway know that there are armed gangs operating in those areas, that there are certain parts of those districts at any rate where a man holds what he has with his strong hand, conditions really not differing in principle, differing perhaps slightly in degree, from the conditions we might visualise as having existed in the Stone Age. We captured in a few cases leaders of gangs such as that, and men scarcely less desperate and ruthless stepped into the leadership by a process of natural election and they gained their promotion by the other man's misfortune. We are to release the person whom we captured and only use the powers we are asking for against the person who is still at large. What I foresee is this, if we are sufficiently fortunate to arrest a person who is a leader of an armed gang, his place would be quickly taken by the released former leader. Deputy Johnson makes me a present of that dilemma. I was reminded by Deputy Hogan that there were men interned and in prison who did as much for Ireland as any other men. I am quite prepared to believe that. There are men interned and at large who tried to do as much for Ireland as Cromwell or Mountjoy. I

based the case for this Bill on the fact that there are areas in the country in which life is still unhappy, still unsafe, in which life is not a wholesome thing for the residents, because men are roaming around with arms, enforcing their will on the people, billeting themselves on the people, and creating in those areas conditions of terror which result in this, that you will not get evidence of crime, and that if you are so fortunate as to get evidence of crime, it is almost asking too much from juries to convict. That is the case in a nutshell for the Bill.

I am told that the challenge to the fabric of the State is a thing of the past, and I meet the people three-quarter ways who say that. It is more or less passed, but we have greater and wider duties than saving the fabric of the State. The challenge to the State may be passed, but a challenge to natural fundamental rights of citizens of the State is not passed, and these people are entitled to have those rights protected. One phrase was mentioned, the liberty of the subject. The liberty of which subject is my trouble? Of which subject—of 90 per cent. of the individuals of the country, or of the 10 per cent. who are encroaching and trampling on the rights of the 90 per cent? If we must choose between one and the other, if to vindicate and safeguard the rights of the 90 per cent., we must encroach on the rights of what would be 10 per cent., in an abnormal situation, I plump for opposing the rights of the 10 per cent. in order that the others may be more adequately safeguarded—in order that the other rights may be more fully and more adequately safeguarded and vindicated.

One factor that has to be considered when you are facing up to the question of the release of prisoners is this, and all Deputies will admit that it is relevant: What are the conditions in the area to which your released prisoners will be returned? If the conditions are bad, if the conditions are lawless, could you call it even an experiment to release prisoners and turn them back to such an area? It is not an experiment if the result is certain, and I submit that the result is certain, that there can be only one result of that course, and that is to make a bad situation worse.

[Mr. O'Higgins.]

I would like Deputies and people throughout the country to realise that that is a factor when the release of particular prisoners is being considered, that we have to advert to—what is the situation like where these men come from? If you throw them back into an area in which lawlessness is seething, are they likely to be model citizens, or are they likely to take up their old courses, the courses which resulted in their imprisonment and internment? Ought we to throw prisoners haphazard into Leitrim, into East Galway, into West Cork, and what would the residents in these areas, decent law-abiding residents, whose natural and fundamental rights are being infringed every day as a matter of routine, think of a Government who took that course? That is a proposition which Deputies ought to try to get their teeth into and chew before they talk vague sentimentality about our “bravest and best,” and so on. I think we ought to look on this question as something more than a peg on which to hang rhetoric. Deputy Gorey, at any rate, made an attempt to face up to the situation, and he made a proposal which, I think, did not meet with considerable approval, that was that the ordinary civil police should be armed.

**Mr. GOREY:** I did not propose that, except that we relied on the civil law.

**Mr. O'HIGGINS:** I probably misunderstood the Deputy. It does not appeal to me.

**Mr. GOREY:** Nor to me.

**Mr. O'HIGGINS:** Deputy Baxter said that there were men at large as desperate as any of the men in jail, and that they were not doing anything very extraordinary. Now, extraordinary is a relative term; it must be taken in the setting of the times. Deputy Baxter may not consider it an extraordinary thing that armed men should be going about the country living a non-productive, parasitical life, taking what they need by the right of their triggers.

**Mr. BAXTER:** I did not see any of them, anyway.

**Mr. O'HIGGINS:** Well, Deputy Baxter must keep his eyes front all the time. I can assure him that there are such men. I have it on most reliable authority.

**Mr. BAXTER:** In uniform.

**Mr. O'HIGGINS:** Not in uniform. He may not consider that an extraordinary state of affairs. I think it is not a state of affairs which the Government can afford to view with complacency, and I would venture a small bet that the residents in the areas where that state of affairs prevails, who are called upon from time to time to pay a tax, do not view it with any complacency. A government is not something apart from the people, something set up to be cursed or propagandised against, or anything in that way. A government, as I understand it, is a committee of the people with a mandate to make certain conditions prevail, to vindicate the ordinary natural rights of the people, and, so far as possible, to create and maintain conditions in which men can go about their business and carry on their avocations with a reasonable measure of security. That would seem to me to be one of the primary and elementary duties of a government. That is why we do not view with the complacency which Deputy Baxter seems to view it—the fact that people's rights are being trampled on, that men are living parasitically on the people by the right of their guns, taking what they want, leading an idle, parasitical, non-productive existence, drifting about in the picturesque, traditional rôle of “Ned of the Hill.”

There is even less excuse for that sort of thing if it is true, as we are told, the challenge to the fabric of the State has passed. If that challenge was still on one could say, “Well, after all, this is a revolution. These men are at war, and they may succeed in overturning the fabric of the State and setting up a new order of things in the country.” But we are told they have abandoned that. “The gun is now dropped and we will take to the platform and take up our pens for the production of election literature.” They are going to show how “much

more potent as an instrument of Government is the loving regard which directs and inspires"—I think I saw something of the kind in a recent pronouncement. Then, what is the meaning of this system of armed bands roving around the country? While they exist they are the nucleus, the centre, to which released prisoners or other disgruntled elements in the country may rally, and we have to regard it, if not an actual danger at the moment, at least a grave potential danger in the future. That state of affairs exists, and we tried to take our responsibilities seriously in spite of the bad example set us by Deputies, like Deputy Baxter, who say that everything is lovely in the garden, and these men are doing nothing very extraordinary.

Of the prisoners, about 5,000 odd, I use the word "odd" in its mathematical sense, are left out of a total that at one time touched 15,000. We can proceed gradually, with a watchful eye on the situation in the country, to release these men, but Deputy Baxter will excuse us if in considering their release we pay particular attention to two main factors. Number one: the type of the man, what he is likely to do when released, what his future course of action is likely to be, and substantially we can only judge that from his past. Number two: the conditions prevailing in the area to which he would return on release. There is nothing very intricate, technical or profound in

that. It seems to be that kind of common sense which is sometimes vulgarly called horse sense. It may not commend itself to some Deputies, but such as it is, it is the line we are following. I do not think that in a situation like that which confronts us and the people it is an excessive, harsh, or tyrannical thing to say that when a Minister who answers here daily to the representatives of the people is prepared to set his hand to a statement that a particular person is reasonably suspected of crimes set out in the Schedule of this Bill, that in all the circumstances we should have power to arrest and detain that person until the State recovers somewhat from the onslaught made on it, and the conditions through which it has passed. We have no real conception of freedom, no real conception of independence—

**DEPUTIES:** Hear, hear.

**Mr. O'HIGGINS:** Hear, hear. If we had we would be dignified enough to appreciate what democracy means, and to resent more savagely and fiercely than we do the claim of any wretched minority to dictate to their fellow citizens at the point of the gun. It is the slave drop in us, the slave mind lingering in our midst, which makes us bear that thing with the equanimity and complacency with which we have borne it.

Question, "That the Bill be now read a second time," put.

The Dáil divided: Tá, 53; Níl, 13.

Tá.

Earnán Altún.  
 Richard H. Beamish.  
 Earnán de Blaghd.  
 Séamus Breathnach.  
 Seoirse de Bhulbh.  
 Próinsias Bulfin.  
 Séamus de Búrca.  
 Bryan R. Cooper.  
 Henry Coyle.  
 Louis J. D'Alton.  
 Máighréad Ní Choileáin Bean Uí  
 Dhrisceóil.  
 Patrick J. Egan.  
 Osmond Grattan Esmonde.  
 Henry J. Finlay.  
 Desmond Fitzgerald.  
 John Good.  
 John Hennigan.  
 Connor Hogan.  
 Domhnall Mac Cárthaigh.  
 Liam T. Mac Cosgair.  
 Maolmhuire Mac Eochadha.  
 Pádraig Mac Giollagáin.  
 Seán P. Mac Giobúin.  
 Risteárd Mac Liam.  
 Seoirse Mac Niocaill.  
 Liam Mag Aonghusa.

Martin M. Nally.  
 John T. Nolan.  
 Peadar O hAodha.  
 Mícheál O hAonghusa.  
 Criostóir O Broin.  
 Seán O Bruadair.  
 Próinsias O Cathail.  
 Aodh O Cinnéide.  
 Eoghan O Dochartaigh.  
 Peadar S. O Dubhghaill.  
 Pádraig O Dubhthaigh.  
 Eamon S. O Dúgáin.  
 Seán O Duinnín.  
 Donchadh S. O Guaire.  
 Aindriú O Láimhín.  
 Séamus O Leadáin.  
 Fionán O Loingsigh.  
 Thomas O'Mahony.  
 Pádraic O Máille.  
 Risteárd O Maolchatha.  
 Pádraig O hOgáin (Gaillimh).  
 Seán M. O Súilleabháin.  
 Andrew O'Shaughnessy.  
 Caoimhghín O hUigín.  
 Seán Príomhdhail.  
 Patrick W. Shaw.  
 Liam Thrift.

Níl.

Pádraig F. Baxter.  
 David Hall.  
 Tomás Mac Eoin.  
 Risteárd Mac Fheorais.  
 Pádraig Mac Fhlannchadha.  
 Tomás de Nógla.  
 Tomás O Conaill.

Aodh O Cúlacháin.  
 Eamon O Dubhghaill.  
 Seán O Laidhín.  
 Domhnall O Muirgheasa.  
 Tadhg O Murchadha.  
 Pádraig O hOgáin (An Clár).

Motion carried. Third Stage ordered for Thursday, January 10th, 1924.

### PRIVATE BUSINESS.

#### WIRELESS BROADCASTING.

**Mr. DARRELL FIGGIS:** I understand the motion that I have put down on the subject of wireless broadcasting is being accepted by the Postmaster-General. In view of the fact that there is no opposition, could that motion be taken now and dispensed with?

**AN CEANN COMHAIRLE:** If the motion is unopposed it could be taken now. My information, on the authority of the Postmaster-General, is that Deputy Figgis insists upon a discussion. That, apparently, has now been remedied.

**Mr. DARRELL FIGGIS:** I am not insisting upon a discussion. If this motion of mine, as it stands, is accepted, I am quite prepared that there should be no discussion.

**POSTMASTER-GENERAL (Mr. Walsh):** The motion is being accepted. I desire the fullest possible investiga-

tion into the preliminary stages of this effort of ours to devise a scheme for broadcasting. I welcome the appointment of a Committee. My only desire is that no unnecessary time would be lost in coming to business. It is very important for the sake of broadcasting, and it is particularly important because of the fact that notwithstanding our efforts broadcasting sets are being sneaked into this country without a possibility of detection. This matter should be got over without delay. I accept the motion though I do not quite agree with the wording of the second portion.

**Mr. DARRELL FIGGIS:** I therefore move:—

“That a Committee of this Dáil be appointed to consider the circular addressed to Deputies entitled ‘Wireless Broadcasting,’ especially in regard to the proposal by which it is intended that the State should pass over the right to licence and tax incoming wireless apparatus to a Clearing House under the control of a private company, the Committee to



consist of nine Deputies to be nominated by the Committee of Selection and to be reported to the Dáil before January 16th, 1924."

**Mr. WALSH:** I second.

Motion put and agreed to.

**Mr. WALSH:** As far as we are concerned, we are most anxious to go ahead at once. It is purely a matter of accommodation for the members of the Committee of Selection. Presumably they will not get going before the re-assembly of the Dáil. In any case the Committee should be sanctioned by the Dáil and we will not have an opportunity of doing that before January 10th.

**AN CEANN COMHAIRLE:** I could arrange to have a meeting of the Committee of Selection for January 10th and the nominations could be reported to the Dáil on that day.

**Mr. DARRELL FIGGIS:** I am quite agreeable to that course.

**Mr. GOREY:** As one of the members of the Committee of Selection, January 10th will suit admirably.

### UNEMPLOYMENT PROBLEM.

**Mr. MORRISSEY:** I move:

"That the Dáil condemns the Government for its failure to deal seriously with the problem of unemployment and its refusal to provide means for ameliorating the distress arising from the failure of the Unemployment Insurance Fund; and, in particular, disapproves of any attempt to use the promised scheme of State Aid for road improvement and the existence of a large number of unemployed demobilised soldiers as means for forcing down the rate of wages paid for the ordinary work of road maintenance."

Speaking on the Railway Bill last night, the President said that next to unemployment the matter of the railways was the most important before the country, thereby admitting that this matter of unemployment is the most important problem with which the country is faced to-day. We are glad that the President and the Government have realised that, because one would

be inclined to think, from the attention, or rather the lack of attention, that has been given to this matter, that they were not aware of the fact. Within the past two months thousands of men and women under Section 8, Sub-section (4) of the 1920 Unemployment Insurance Act have been cut away from unemployment benefit. Their ranks, as everybody knows, are being swelled, from day to day, by soldiers demobilised from the National Army, and by thousands of political prisoners who are being released from prisons and internment camps. There is no prospect before these people for the coming winter except the prospect of hunger and ultimate starvation. There is no unemployment benefit to be got. We know, of course, that every section of the community has suffered from the mad, destructive civil war which has been waged in the country for the last year and a half. But the workers have inevitably suffered most of all.

**AN LEAS-CHEANN COMHAIRLE**  
at this stage took the Chair.

**Mr. MORRISSEY:** We will be told, and perhaps properly, that were it not for that civil war, the Government would have been in a position long before this to undertake works of reconstruction and development that would have given employment. But the workers are being starved to-day in order that the country may be enabled to pay for the war that was waged about words and phrases, a war that the workers had no responsibility for. We will be told that because certain political parties saw their way to indulge in the luxury of civil war, that no money can be given for the relief of unemployment, that there can be no grants for reconstruction work on account of that war. The Government will, no doubt, claim that their first duty is to maintain law and order in the country. It must be quite clear to the Government that they must fail in that duty if they do not remove the cause or the causes of the lawlessness and disorder that obtain in the country to-day. The remedy for unemployment is work. I maintain that it is the duty of this Government to provide work for every man and woman in

[Mr. Morrissey.]

this country who is willing and able to work, and to provide it at a living wage. It is the duty of the Government to undertake works of reconstruction in order to provide the employment that is so badly wanted. I quite realise, and so do my colleagues on these benches, that if we are to have works of reconstruction, and if the nation is to be developed, as it should be developed, we must have the co-operation of every section of the community, and that every man must be prepared to take off his coat, and do his own part in the building up of the nation. The workers are prepared to do their own part, and the workers are prepared to make sacrifices for the general good of the nation. But the workers certainly are not satisfied to make all the sacrifices, and that is what is being asked of them to-day.

Speaking on the Railway Bill yesterday evening, the President said that if the country were to make proper progress, employers and workers would have to cut their cloth according to their measure. I would like to ask the President if he is aware of the fact that a lot of the workers in Ireland to-day have no cloth to cut. I believe if the Government does not tackle this problem of unemployment in a bold and determined way, in such a way as to give employment to men and women who are anxious and willing to work, that the country in the very near future will be faced with a situation compared with which the recent civil war was a mere bagatelle.

The Minister for Local Government recently issued a circular to public bodies about the grant of a million and a quarter which is to be made for reconstruction of the roads. And he said the public bodies must see that the present high wages obtained by road workers must be reduced, and that the present privileged position of the road workers must be altered. I wonder has the Minister for Local Government any idea of the wages paid to road workers?

Does the Minister know anything of the privileged conditions under which road workers work? I suppose it would be held a privilege that, in most

counties, a worker on a road starts out to work at 8 o'clock in the morning, and if the day comes wet he has to walk back again wet to the skin, perhaps a distance of three, four or five miles, without receiving anything at all for his day. I desire to know if the Minister is aware of that? That is one of the privileged conditions under which the road workers live. We are told that the present high rate of wages must come down. I am sure nobody here would consider that a wage, say in Leitrim of 28/-, for a 60-hour week is a high wage with broken time. The wages of road workers range from 28/- to 45/-, and the hours worked by road workers range from 48 to 60 hours a week. I do not intend to deal at any great length with the question of this circular. It will be dealt with by other Deputies from this side of the Dáil, but I certainly say that if the Government want to face the problem of unemployment, they certainly are not going to do it by adopting such a policy as that of pitting demobilised soldiers from the National Army against the road workers of the country, and that is what they are trying to do.

In Mallow recently 35 men were let go, and were replaced by ex-National Army men at a reduction of 10/- per week. That is not the way to deal with the unemployment problem. I repeat what I said before, that it is my honest belief that unless the Government are prepared to make a determined attempt to provide employment and work for the people who are ready and willing to work at a reasonable wage, it will be faced with a position which, to say the least of it, is not pleasant to contemplate.

**Mr. MURPHY:** I rise to second the motion, and I do so with very much regret. I think it will be apparent to everybody that it is a matter of very deep regret, not alone to members of the Labour Party, but to every other person in the country, that the Government of this State have done practically nothing towards the solution of this question. What is the position in the State to-day? As I understand it, as the members of the Labour Party understand it, and, I think, as everybody

understands it, the position is that there are about 50,000 persons unemployed in the country to-day. You have that large number of people faced with this position, that they are not able to tell where the means to support them on the following day are to come from. The actual position is, that you have 50,000 persons on compulsory hunger strike to-day. I think that fact alone ought to be sufficient to induce the members of the Dáil and the Government of the State to realise that this is a very urgent problem, and one that requires to be dealt with at once if the calamity that we are faced with in the future, followed to its natural conclusion, is to be averted.

In addition to the 50,000 persons unemployed in the country, you have, as Deputy Morrissey pointed out, the ranks of the unemployed being swelled day after day by the men leaving the National Army at the present time, and the ranks will be further swelled by the unfortunate workers coming back from the prisons to their homes. In a good many cases these men will not be able to get unemployment benefit, because, as Deputy Morrissey pointed out, the Unemployment Act is for all practicable purposes already scrapped. The Ministry of Industry and Commerce issues a series of figures from time to time to the daily Press showing that the number of unemployed in this country is decreasing. I do not think that the figures that are being issued to the Press are correct. I would even go further and say that the figures, quite unintentionally perhaps, are most misleading. I believe that these figures, which are being served out from time to time to the Press as to the alleged reduction that has taken place in unemployment in this country, are not correct. The alleged reduction, I suggest, is due to the fact that unemployed men are not getting work, but rather to the fact that men are being knocked off the unemployment register, because under Section 8 of the Insurance Act they are held to be debarred from getting any further benefits.

It has been the fashion all over the country, and even in this Dáil, to sneer at the Unemployment Act. While I have always taken up the attitude that the

Unemployment Act will never solve the question of unemployment, I still believe that that Act did a certain amount of good, and that it had certain merits. I know, of course, that the Act has certain faults, but these, I think, were due rather to its administration. It contained faults that could not be corrected, I suggest, on account of the loose code of morals that existed for the last two or three years, and also on account of the experiences that the country has passed through. To my mind, there was certainly not much ice cut by the cheap sneers that we have heard from time to time in the Dáil on this Unemployment Act. Neither do I think that there is much point in the remarks that we hear from time to time in this Dáil and elsewhere about the chronic idler.

There is one thing certain, and nobody can deny this, that the overwhelming majority of the workers in this country are not chronic idlers. The workers of the State are anxious to work for the benefit of their country, and they are not anxious to quarter themselves on the funds of this State, or to live at the expense of the taxpayers. To illustrate the points I am arguing, I desire to bring to the notice of the Dáil some of the conditions that exist in the constituency I represent as regards the Unemployment Act. I have before me, as I speak, instances of persons whose cases will be the subject of legal proceedings for obtaining unemployment benefit under false pretences. It is important that I should state that these persons are not workers. I have a couple of cases in mind which are to come before the Courts in the County Cork in the course of a few days of persons who attempted to get unemployment benefit, although at the time they were in the possession of two or three farms. At the outset of my remarks, I expressed the fear that nothing practicable would be done by the Government to solve this unemployment question.

I do not deny the fact that certain attempts were made or that certain schemes were brought about for the temporary relief of distress, and I would like, in passing, to say a word in connection with some of the

[Mr. Murphy.]

schemes. Some time ago the Distress Committee of the Dáil initiated a scheme for the relief of certain districts. In a part of the country that I know the sum of £700 was allocated for the relief of distress. I would like to bring before the Dáil some of the facts in connection with the manner in which this money was spent. I have before me a case in my own district where the sum of £700 was handed over to a Rural Council to relieve distress amongst two or three hundred working men in that district and I know, and I could prove before any assembly or inquiry that may be set up, that that money was spent, not on the workers but for the benefit of members of the Council who kept the money and gave it to different people not in distress, and I think it fit and proper to say that in connection with any future scheme laid down for the relief of distress it would be well, and most necessary, that enquiry should be made and strict supervision carried on over the spending of that money. The position in the district I refer to was that the comfortable farmers' sons, members of the District Council, obtained this money given for the relief of distress and spent that money themselves among their friends and their cousins who are a class amongst themselves, and this money was spent upon horses and so on. That state of affairs is a gross wrong and it demands supervision, enquiry and attention from those responsible for the giving of that money. I have seen men who were unemployed for months go to a meeting of the council for the purpose of obtaining assistance from this fund, but they were turned away and would not get a single penny.

Now, I will mention some instances that came under my own notice in the constituency that I represent  
5 o'clock. sent in connection with unemployment, and I will try to illustrate some things I have seen, even in my own locality, or in the County Cork at any rate, that have been done to relieve unemployment. Two or three days ago I put a question to the Ministry of Industry and Commerce, and I might say in passing,

it is a matter for regret, on our part, to see that in an important debate like this the Minister for Industry and Commerce, or somebody from his Department, is not here. I put a question down to the Minister in connection with the closing down of Barytes Mine at Clonakilty in April, 1922. It was not closed down because the workers were turbulent or that they created an impossible position for the owners of the mine. As a matter of fact, and I do not know whether it is to the special credit or shame of the workers, they had previously accepted a reduction in wages, but they were guided in accepting that reduction by the fact that in doing so they were helping to keep the enterprise going. At any rate the mine closed down and that position obtained for the last twelve months, and between 100 and 105 men are now unemployed and walking the streets of Clonakilty, and in the last two or three weeks I was told that all these people, under the Section quoted by Deputy Morrissey, will be deprived of unemployment benefit. During the last twelve months the Minister for Industry and Commerce paid these people a sum of £5,000 at the lowest calculation, and I submit that if that money was spent in helping to keep the enterprise these men were engaged on going it would be well spent, and would save the awful position that the 105 men I have referred to have to face this coming Christmas.

I have other instances besides that. I questioned the Minister for Local Government a few days ago in connection with the allocation of money for the relief of distress in another part of Cork — Castletown-Berehaven. That district is one of the hardest hit by the present situation. It used to be a fishing station of some importance, but now it is practically deserted in that respect. There again we are faced with the position that the Ministry of Fisheries has no money available for the development of the fishing industry. The Minister for Local Government, in his reply to me, said that a certain amount of money had been allocated to this district for the relief of distress but that the money was held up owing to irregular activities in the

district. I understand there is a certain amount of truth in that statement. I think some measure of comfort for the men in that district depended on the employment that they could get and if the Minister for Local Government, or some official in his Department could have devised some scheme, if not then, well, at a later day, it would have given these poor people at least the right to live. I could go on multiplying for a long time the instances I have given in this matter, but I do not intend to weary Deputies in the Dáil by long speeches or by numerous statistics on the question. But I claim the indulgence of the Dáil to refer to the circular mentioned by Deputy Morrissey already. The Minister for Local Government in issuing this circular and sending it out to the Council makes, to my mind at any rate, two or three extraordinary statements. He says: "It is in the national interest to secure a high standard of road maintenance, but if the large mileage of trunk roads requiring reconstruction is to be dealt with efficiently and with due regard to the cost which can reasonably be borne by ratepayers, a stricter control of expenditure must be instituted, existing rates of wages must be reduced and the present privileged character of road labour reviewed."

Like Deputy Morrissey, I have yet to learn that the position of the road workers, as far as I know it, or so far as our Party knows it, is in any way privileged. Down in the County Cork where we had experience of the ravages caused by two wars, I make bold to say that the position of the road workers has been anything but an enviable one. In my opinion when the Minister for Local Government says that there is not a proper standard of efficiency under the direct labour system at present he is condemning that system without giving it due consideration and I do not think that without going into the matter fully he is warranted in coming to such a conclusion. He should get all the facts of the question put before him and give the matter due consideration before coming to such a conclusion. I know that the road workers in the County Cork who have been trying to earn a living as road workers during the last two or

three years were certainly not in a privileged position. I know that in many of their homes at the present time, and even during the period I refer to, there was nothing but pure naked and unashamed hunger. Therefore I say it is a slight on a body of unfortunate men to suggest that they occupy a privileged position without at least adducing some evidence as to what the privilege consisted of. I understand it is the intention of the Government at the present time to put on the roads members of the National Army who are demobilised. Two or three days ago I heard a handsome tribute from the President uttered in this Dáil in praise of the men of the National Army. I certainly, and I am sure I may say the same for everyone on these Benches, would not gainsay a word that the President spoke in praise of the men of the National Army on that occasion. We are as much indebted to them as to any other class for the way in which the structure of this Nation has been saved, but I do say it is not worthy of the traditions of the Army nor of the Government of the people to ask these men when leaving the National Army to go back into the world and engage in a mobilised system of scabbing on their fellow workers.

I do not think it is right to ask the men who are leaving the National Army to go back and assist in breaking down the system of wages. I do not think it is wise to ask men of the National Army to go back into their own districts and to take the bread out of the mouths of their starving brothers. The workers of this country looked forward to the establishment of this Government with hope. They gave some earnest of what they were prepared to do in the establishment of this Government. I say that the workers have been disappointed. I believe—and I think I have some reason for believing—that the attitude of the Government, as revealed from time to time, is an attitude of hostility to the workers. Three or four weeks ago we had announced here the decision of the Minister for Finance to attack the position of the National teachers and old age pensioners. Yesterday we had a report from the Postmaster-General that

[Mr. Murphy.]

turned down the recommendations of the Commission set up by the Government to enquire into the conditions of the Postal Service. Now we have the attack on more unfortunate people still—the road workers. I cannot believe that any Government that set the slogan, “Justice, Equity, Freedom, and Common Citizenship,” in 1918, would have adopted a policy that means reduction in wages and starvation in 1923. The Government has not attended to this matter in the fashion that it ought to have done. The question does not brook any further delay, and believing, as I do, that the Government has ignored this matter, either deliberately or unintentionally, I second this motion.

**Mr. HALL:** The two speakers who supported this motion referred to the road workers and to the road workers only. There is another class of worker in Ireland to-day who is in the same deplorable condition as the unemployed road worker. That is the agricultural worker. He has suffered at all times from unemployment, and when unemployment came he was always left out in the cold. He had not the assistance of unemployment insurance. That Act was not at any time meant for the protection of the agricultural workers. Coming from an agricultural county—Co. Meath—as I do, I am aware that there are figures available showing that 37 per cent. of the agricultural workers of that county have been idle for the past seven months. They have been thrown on the roadside by the employers, who call themselves farmers. As every Deputy here is aware, Co. Meath is not a county that is inhabited, in any sense, by a farming community. It is a county that is controlled and owned by the large propertied classes, known as the grazier and the land grabber. It is within the knowledge of everybody that you will find in County Meath 2,000 acres of land owned by one big capitalist, who calls himself an employer. But when we come to examine his machinery of employment, we find that on that 2,000 acres of land he has employed only two men and two dogs. The same thing applies to Westmeath and to many other

counties. When the Government formulates its plans for the relief of unemployment, I trust that it will embody in them some provision for the relief of the unemployed agricultural workers as well as for the unemployed road workers.

Down in County Meath there are at present only 33 per cent. of the road workers employed, leaving 67 per cent. with no means of livelihood, save in very few instances. Some of them draw the miserable dole from the Unemployment Exchange. It is a fact that the unemployed road worker went to the Labour Exchange—a distance in some cases of from 6 to 15 miles—signed the usual declaration there, got the usual forms of declaration signed in his own locality by householders, certifying that he was unemployed during the period in question, and notwithstanding all this trouble, to my own knowledge there are 39 men who have been looking for this unemployment benefit since the 27th October last, and who never got a penny yet. Moreover, there is no sign of it. They have been told “Come back next week and we will have it for you.” But it does not come. The Government are well aware of these things. When questions regarding the relief of unemployment have been put to the Government, it has often occurred to me that the Government have not been one bit sincere in their replies regarding the unemployed workers. We have been told time and again—and the Labour Deputies in the last Dáil were told—that the matter “is under consideration.” It is always “being considered,” or “it will receive immediate consideration.” But this piece of administrative machinery, which I take leave to describe as “the machinery of consideration” is turned by a very slow process. The engine that is driving this piece of machinery must go out of order very often. Like a piece of elastic, “consideration” can stretch 900 times the length of itself. “The matter will have immediate consideration!” That is one of the familiar phrases from the Government benches. And you may be assured that that is the last of that particular matter you are going to hear until you raise the

same question again. And again you will be told that the matter is going to have consideration. The process of consideration is apparently very long drawn out.

To come back to the road workers—and I am very glad to see the Minister for Local Government here—there has been collected in County Meath in motor tax £16,404 between January, 1922, and November 30, 1923.

Notwithstanding the fact that that money has gone to the Government not one penny of it has been distributed in the maintenance of the roads or for the relief of unemployment. Another rate, of 6d. in the £, was raised by direction of the last Minister for Local Government in connection with the Damage to Property Act. That rate was supposed to be for compensation and for repairs to damaged property. In County Meath £13,937 1s. was raised, and at the same time £3,916 0s. 7d. was spent by the County Council in repairing bridges. Although the County Council spent £3,916 repairing the bridges and raised nearly £14,000 under the Damage to Property Act, the Minister for Local Government never recouped the £3,916 to the County Council. The Minister promised the Vice-Chairman of the County Council that the £3,916 would be refunded and that it could be used for the relief of unemployment in the county. That promise was like the piece of machinery entitled “consideration.” We have to wait for it, and probably we may get it as an Easter gift, when a new rate will be in course of collection, and when the County Council will be in a better financial position than it is now.

On the 30th January last the estimate of Dunshaughlin Rural District Council was put before the County Council by the County Surveyor. The estimate amounted to £5,588. The District Council believed that there would be no grants available. Apparently they were fortune-tellers, because they were right. They increased the estimate for the one year by £7,000, and it was adopted by the County Council on the 26th February. On the 15th March sanction was requested for the increased expenditure, but several months passed before the machinery of

the Department could be moved. It was on 12th July they sent their sanction, over two months after the statutory time for the striking of the rates by the County Council. The County Council could not wait for sanction and had to carry on with the estimate they had adopted. Some of the rate that was struck on the 7th May was collected when some of Deputy Gorey’s people became uneasy. They challenged the rate and got it quashed. At this time Dunshaughlin District Council and the County Council, as well as the workers, were agitating with the Local Government Department for relief of some kind as a substitute for the rate that had been quashed. These bodies were supported in their appeal by the largest ratepayer in the county, who was resident in the Dunshaughlin area. The request was that the County Council should be allowed to raise a loan of £7,500 for road maintenance in Dunshaughlin Rural District. Dunshaughlin Branch of the Farmers’ Association did everything possible to assist, and endeavoured to have the loan spread over a term of seven years. They thought that would be better than having the amount collected in two moieties this year. A deputation, representing all parties, interviewed the Minister for Local Government and statements were made during the interview by officials that I do not think really represented the mind of the Minister. I do not believe the Minister is as hard as some of his officials. It is my opinion that the machinery of that Ministry needs a little touching up.

#### **AN LEAS-CHEANN COMHAIRLE:**

We are not discussing the Ministry of Local Government now.

**Mr. HALL:** We are discussing the failure—

#### **AN LEAS-CHEANN COMHAIRLE:**

That is outside the scope of the motion.

**Mr. HALL:** It is through the Minister for Local Government that we will have to get relief for road work, and an opportunity was afforded for providing relief in Dunshaughlin by raising a loan of £7,500. Since that date the Ministry of Local Government has not

[Mr. Hall.] communicated with the Meath County Council nor has it given any authority as to what line of action should be taken. While that is going on road workers and their wives and families are starving. The children are barefooted and hungry as their parents have no means of livelihood. If we believe we are economising by leaving the workers and their families in that plight we are certainly making a big mistake.

If these workers go on the rates in another way, if they go into a county home, or receive home help, they become a burden. Before any of these relief systems are put into operation in the country, the Government should endeavour to relieve the present distress. In County Meath we have something like 2,800 men unemployed. I believe unemployment is worse in County Meath than anywhere else.

**Mr. GOREY:** What is the cause?

**Mr. HALL:** It must be realised that in 1920 and 1921, during the "Black-and-Tan" period, the workers throughout Ireland were disemployed for ten months and never grumbled, as they knew that it was in the interests of the country and that it was to assist in the national struggle, and also that the County Councils could not, at that time, carry on. Now, we have a lot of them still unemployed, and if a grant is available for employment on the roads, we are told that discharged National soldiers are to benefit by taking the place, as we have been told by Deputy Morrissey, of the ordinary road worker. He has to be dismissed and they are to be employed. The road worker who sacrificed a good deal in 1920-21 is again called upon to sacrifice his interests and those of his wife and family. He is, moreover, asked to accept a lower wage. The discharged National soldier is to be turned into a machine whereby a system of lower wages for road work is to be adopted. I do not think that that is very fair. If a soldier has served the nation, as undoubtedly every one of them has, I think it is up to the Government to give him a decent means of livelihood, without interfering with the unfortun-

ate road worker who has toiled for years on the road. I do not think that that interference should take place at the hands of the discharged National soldier. I appeal to the Government to do everything humanly possible in the matter. I think it is about time that they got in earnest about their business, and instead of passing some of the Bills which they have brought before us, they should tackle this very serious problem that affects the means of livelihood of a large portion of the community. The question of unemployment will have to be faced, and it is the duty of the Government to adopt some immediate and adequate means of dealing with it. I hope the Government will take up that attitude and relieve distress. We do not want to burden the ratepayers, but the Government have sufficient money to deal with the problem. There is, for instance, the road tax, for which £16,000 has been collected in Meath, and probably the same amount in other counties. Why not put this money to its proper purpose, and why not, also, allocate for that purpose the money collected under the Damage to Property Act?

**Mr. O'MAHONY:** Deputy Morrissey, in moving this motion, was terse, and the arguments in support of it were in the main temperate and commendable. We are now dealing with the natural sequel resulting, as he said, from a mad war of words and phrases. I agree with him that the remedy for the position is work for all and that it is the duty of the Government to employ all they possibly can, as he suggested, on works of a reproductive character at a living wage. Now, without revealing any secret, I can relieve the mind of any of the Labour Members of any doubt they may have as to the intentions of the Government in this matter. The Government are going to deal liberally and generously with the situation. They are going to discharge their duty in a generous spirit to labour and in a manner which is the country's due. With that spirit on the part of the Government, I anticipate hopefully, as a result of the statement of Deputy Morrissey, that we shall have the active and healthy co-operation of the Labour representatives to



enable us to round any corners that may arise on the question of wages or on any other detail associated with the scheme. Deputy Morrissey said that the workers were prepared to make some sacrifice, but that it would be unfair to expect them to make all the concessions. Nobody expects them to make all the concessions. It is a situation of "give and take," a situation in which labour should yield something, and in which capital or the Government—whichever way you regard it—should also yield something to labour. There is a common interest in a satisfactory settlement of the situation, and I believe that if the details are worked out to a healthy end it will be the beginning of an era in which unemployment, as we now know it, will be virtually unknown. The work to which the Labour Deputies have mainly confined themselves is work in association with unskilled labour—the reconstruction or the re-making of the roads.

I anticipate as far as possible the Government will expedite the beginning of such work. I need hardly point out that schemes should not be embarked upon without due consideration of all the work, that the men associated with the work should be selected in so far as selection is permissible, and that all those details will take some little time.

**Mr. MORRISSEY:** They are taking a long time.

**Mr. O'MAHONY:** And when these initial difficulties are got over the machine will then be in a position to secure that for every expenditure of public money we shall have the largest amount of labour employed and the greatest amount of beneficial results. I was sorry to hear the different Labour Deputies harp so much on the question of the employment of demobilised soldiers on this work. Who are the demobilised soldiers? They are the men without whose aid we would not be in a position to-day to discuss the question of unemployment or that of any other material reconstruction work in the country. Are the wounded soldiers of the war, if I may use the expression, to be thrown on the world

and to become the new recipients of the dole or of home assistance. From what ranks were they recruited? They were recruited largely from the labour ranks. Surely if we are to differentiate at all with respect to those men, we should differentiate in their favour rather than otherwise. There is no necessity for differentiation. I think there will be room for all. They are all citizens of the common State. They are entitled to receive, at the least, common treatment with other members of the Labour ranks, and it was a mistaken policy on the part of some Labour Members to suggest that they should not be so treated. There is room for all, and all will be generously dealt with.

The seconder of the motion said it was work and not the dole that was wanted. I agree. The dole to a certain extent may have been a necessity, but no one can deny but that it has had a demoralising influence on the worker. I trust that the money the Government are now going to place at the disposal of labour—it will be largely used in labour, material will only to a small extent enter into the expenditure—will have the result of making unemployment disappear in the future by reason of the encouragement given not alone by the Government but by private employers in a more generous employment of labour when they see that Labour recognises its responsibilities as well as its rights.

There is another class of labour, the claims of which have not been touched upon so far, and those are the skilled workers. In that respect I hope the Government will hasten forward a generous scheme of housing, particularly in favour of the dwellers of the towns and cities of the country. We know many cases, particularly in the City of Dublin, of the conditions under which the workers are housed. It is a disgrace to civilisation, and in no small degree, I believe, accounts for the discontentedness of labour. With respect to that particular phase of activity in favour of the disappearance of unemployment, I would like to call attention to what I might call attendant industries of the country, that have been hitherto neglected, and about one of which I put an important question in

[Mr. O'Mahony.]  
the Dáil a short time ago. I got an answer that the matter was being considered. That was with respect to the slate industry which in this country has a capacity of taking off the unemployment market a large number of men who will have a large earning capacity, and which in addition will provide the roofing of Irish buildings with Irish slates produced by Irish labour with material as good as the imported article. Following the question I put in the Dáil, I had a communication from, I think, the Manager of the largest slate industry, at present in Ireland, one that has been dormant for some years past but has been recently revived.

**Mr. GOREY:** What is the address?

**Mr. O'MAHONY:** He says that he has 74 men employed but for want of capital he is unable to discharge one-fiftieth of the orders placed with him. Here is his suggestion to relieve the difficulty. If the Government will give him, not a grant, but the loan of £6,000, to be repaid in 10 or 15 years, he guarantees that within six months he will employ 100 additional hands, within 18 months a further 100 additional hands, and at the same time within the period discharge the loan to the Government.

I say that that ought to be closely inquired into by the Government, and if they are satisfied that there are assets behind it to warrant an advance of £6,000, that it should not be a loan in the ordinary sense, but an absolute grant as long as the man receiving it keeps up his end of the wicket, because I look upon the continuous employment of 100 men alone as of greater value, morally and materially, than an absolute grant of £6,000 out of the nation's purse. Furthermore, this man states that want of capital is holding him up, that this grant would enable him to develop an industry that has been recently associated with slate quarries, the crushing of slates for the production of bricks and cement. Deputy Morrissey and the other Labour Deputies demurred to the suggestion contained in the Government's proposal that wages should be revised with respect to the proposed expenditure on

the roads. I am sure that they do not object to an inquiry, at any rate, as to that.

**Mr. MORRISSEY:** No.

**Mr. O'MAHONY:** The very figures quoted by Deputy Morrissey go to show that there is a necessity for an inquiry. He stated that in some districts the road workers' wages were 28/-, and in others 45/-. There is no earthly reason why, within the Twenty-Six Counties, there should be such a difference in wages to the same class of men who do the very same class of work.

**Mr. JOHNSON:** Will you level it up?

**Mr. O'MAHONY:** A further point I want to impress on the Government is this: Hitherto all the speeches have been directed to the subject of the reconstruction of roads in the rural areas. We have also to consider the worker in the urban area, where the cost of living is higher, where the numbers are greater, and where poverty and unemployment are more dominant. I say that in any scheme the claims of these men must be carefully considered. I understand that the administration of any scheme will be largely in the hands of the county surveyors, who have very little association with town interests. Officially they are not connected with the town, as the urban areas are self-governing bodies. I hope also that if the county surveyors are engaged on the question of a most important work, the early reconstruction of destroyed bridges, they will engage a large number of skilled and unskilled labourers to make good the damage. Owing to the condition of the bridges throughout a large part of the Twenty-Six Counties, and particularly in County Cork, this is a work of great urgency. That question was raised recently by Deputy Hennessey, and I have a letter from the South complaining of two very dangerous bridges that ought to be put in hands immediately.

I think these are the main points to be considered as regards the present position of unemployment. The motion in its present form and in all its detail is one that I cannot support. In so far as it states that the time has arrived when the Government should take

active and immediate steps and give prompt effect to any decision arrived at to deal with this problem, I am in hearty agreement, and I hope that if any question should arise as regards wages, or any other matter, that we will all lend whatever little weight we possess to round off the corners and to cause the differences to disappear owing to the great demand that the conditions of the workers make upon us for a speedy settlement of the problem.

**Mr. J. GOOD:** I agree with what the President said yesterday and also with what the mover of the resolution has told us, that unemployment is one of the most serious problems facing us at the moment, but I am afraid in Ireland we are too prone to rely on the Government for everything. I would suggest that we should now set up a new order of things, that we should try to rely a little more on ourselves and less on the Government. It has always appeared to me that the system of relying on the Government to help us in every emergency is demoralising and injurious. It has been pointed out by Deputy O'Mahony, it was also mentioned by Deputy Morrissey, and I agree, that the remedy for unemployment is work. Work depends very largely on cost and on wages, and if wages are so high that they stop the progress of work, how are we to get work for the unemployed?

The industry that I happen to be connected with, and with which Deputy O'Mahony, I think, is also connected, is one that could give employment to a very large number of the unemployed in this country of ours. It could give immediate employment. We are sorry to say that there was destruction of buildings in a great many parts of the Free State. There is an urgent necessity for their restoration, and that work could provide immediate employment for a large number. How is it that we cannot give immediate employment on this work? The reason is, as I have pointed out before, that the cost of carrying out building work is so high at the moment that it is absolutely prohibitive. I have pointed out here on two occasions, I think, already, that the wages of a bricklayer in Dublin to-day amounts to £4 2s. 6d. a week. Men in London in all these skilled trades

are looked upon as super-men. The super-bricklayer in London to-day receives, for the same number of hours, £3 11s. 6d., 11/- a week less than the man in Dublin. What has stopped employment in that large industry is obvious from that, and in order to get over that difficulty I suggested, a couple of weeks ago, to Deputy Johnson, who, we all know, has great influence with those engaged in the Labour movement, that if he would use that influence and that great ability which we all know he possesses, in a short time, I am sure, with a conference, we could get rid of this difficulty and thereby provide employment for a very large number without worrying the Government or adding to the burden of the taxpayer.

I agree with what has been said that the dole is a demoralising, if not an iniquitous system of providing for unemployment. I

6 o'clock.

I do not think the dole, as regards the Free State, has ever been administered on a fair basis. As we know, unemployment exists largely amongst what is known as unskilled labour, and unskilled labour, I suppose, receives in Dublin an average wage of approximately 50/- a week. The average family unemployed at the moment would receive approximately 25/- a week from the dole. That means practically half of the rate of earning that would be received by the head of that household if he were working. Our attention has been directed to the fact that the road labourer, in some cases in Ireland, receives 28/- per week, and though I do not know much about the farming industry, I think that 28/- would be an average for many of the districts in Southern Ireland. A family unemployed in these districts receives the same dole as a family unemployed in Dublin district. While in Dublin districts it is only 50 per cent. of the wage earned by the head of the family, it is practically equivalent to the wage in the other case. It has done untold harm, and it has killed industries, I am satisfied.

**Mr. GOREY:** This question of unemployment is not new in the Dáil. It was mentioned more than twelve months ago, by Deputy Johnson and

[Mr. Gorey.]

his party. Means of relieving unemployment were suggested, and several channels mentioned, which could be utilised towards this end. It is not a matter that has been sprung on the Government. Deputy O'Mahony, in talking about the industry of the slate quarries, said that a certain quarry, in Munster, I presume, and probably in Cork, would go on working and employing more men if they got a loan of £6,000, or a grant. We have a quarry in South Tipperary that wants no grant or loan. It wants work in the building trade started where it can get a chance of tendering for contracts. A Deputy, speaking of unemployment in Meath, referred to the road-tax, and the allusion was meant to keep up the wage of the road-worker in Meath to 45/-, or whatever it is. I would say, as the Minister for Agriculture often says here, let us face the situation, let us realise the facts. Deputy Good evidently does not know the country when he says that 28/- is the average wage. It is less than that. A strike has been fought out in Waterford, and the Labour Party have asked their men to go back, and the wage is 25/-, a reasonable average, I think, for counties I am acquainted with. If the agricultural industry can only afford 25/-, I am taking that as the basis for argument, how can a worker who does less on the road expect to get 45/-, 38/-, 37/-, or, as in Dublin, 52/- I believe; Wicklow, 40/-, and Cork, 43/-? Do we want work for a few, or work for all? If we want work for the unemployed as a mass, we will have to cut our coat according to our measure. We can only employ them according to the resources of the country, and if we are going to relieve the mass of unemployment we cannot give a fancy wage to one class of the community, and none at all to another. We will have to give a reasonable wage to all, according to our resources. Deputy Hall referred to unemployment in Meath. Strikes and unemployment go hand in hand in the agricultural districts, and they are common where the Labour leaders have not realised the position in agricultural districts. They have put up and fought strikes without knowing the position, or realising what

they were facing. They have been fought out in several districts with very bad results for labourer and farmer, but they were fought out because, as I say, the men who started them did not realise the position. It is no use, to use a very homely phrase, expecting blood out of a turnip, for there is no blood there. I have every sympathy with the motion. I advocated in the Dáil time and again that there were several heads of work that could be started for the relief of unemployment if the money was there, or whether it was there or not, if it was productive work it was the duty of the State to give work. Are the Labour Party ready to accept a wage if this productive or non-productive work is given—I do not care which, but I prefer productive—common to these districts where the work could be started? If Labour is prepared to do that, they are facing the situation, and there is no excuse for the Government not facing the situation. If both parties do not want to face the situation, according to the resources and conditions of the country, there is no use in handing in motions on unemployment and talking about it.

It is by facing the situation honestly and trying to deal with the country according to its resources, that we will get on the right road and come to a happy ending of this matter. If we are all genuine about settling it, let us come to the scratch and say so. You cannot pay a wage in agricultural districts—a wage that sometimes agriculturists cannot afford—except every worker in the district is prepared to accept the same amount as a wage. There has been talk about the wages of the road-workers and the wrongs inflicted on them. That is merely tinkering with the question. It is not honestly facing the situation and facing it in the interests of the masses of unemployed. Is it going to be a big wage for some people and none at all for others, or is it going to be a reasonable wage for everybody? If Labour is prepared to say it is going to be a reasonable wage, the Government, if it is not ready to meet them half way, does not then deserve to be a Government, and taxpayers do not deserve the rights of citizenship if they do not heartily agree. If the situation

is not met honestly on both sides, I see no hope at all for relieving unemployment. If the situation is not met fairly and squarely what is the use of this motion?

**Mr. LYONS:** I am really surprised at the speech of Deputy Gorey.

**Mr. GOREY:** Deputy Lyons is generally surprised at me.

**Mr. LYONS:** When one reflects on the beautiful landscape that was painted by Deputy O'Mahony, recollecting Deputy Gorey's speech, one would imagine he was doing his utmost to soothe the nerves of the Labour representatives in order to prepare them for the attack of the Leader of the Farmers' Union. Deputy Gorey's statement was an attack on wages. How can any honest man think for a moment that a wage of 25/- or 28/- a week is capable of maintaining a husband, wife and family?

**Mr. GOREY:** Face the situation.

**Mr. LYONS:** I am prepared to face any situation against any member of the Farmers' Union in any part of the Saorstát. Take the case of a single man who has to go into lodgings; he has to pay 30/- a week for his upkeep. A lot has been said concerning road-workers. I know the road workers have been very hard hit. Under the circular letter sent out recently by the Minister for Local Government, the road-workers generally will suffer a serious amount of harm. I agree with the Deputies on the Labour Benches that it will have that effect. Take the case of Westmeath county. The rate of wages there is 45/- a week. That certainly appears to be an enormous wage, but when you take into account that 45/- a week is only paid during alternative weeks, the situation is quite different. The wage really amounts to £1 2s. 6d. The workers have been employed fortnight about for the last 12 months. Every second fortnight they have to hold out their hand for alms at the Labour Exchange. The majority of those workers live in South Westmeath and they walk a distance of 9 miles to Athlone where they are told by the Manager of the Labour Exchange to call again next day. Meanwhile, their children go hungry from morning till night.

Then again, there are demobilised men from the National Army. A lot of those now demobilised were not fortunate enough to be working prior to enlistment. When they had not an unemployment card before joining the Army, on demobilisation they are not entitled to anything. Some of them in the town of Athlone are dependent on the rates or the funds of the St. Vincent De Paul Society. Is it not a shame that men who offered their lives in order that we might meet here are dependent on the St. Vincent de Paul Society or on the County Home for their own and their dependents' upkeep?

I have written letters to different Ministers concerning most of those cases. In Co. Westmeath we have received, by way of a grant to relieve unemployment, a sum of £2,330. Sixty per cent. of the workers in the county are unemployed. The Council have decided that as soon as the Minister for Local Government forwards the money, work will be started and the wage will be 32/- a week. The man who worked on the roads before joining the army will be receiving 13/- a week less now than he received then. Still we hear the cry that the wages must come down. Every employer of labour, let him be a shop-keeper, manufacturer, farmer or any other professional gentleman—I do not associate professional gentlemen with some of the Farmer Deputies—must fully realise the position of the workers.

In 1914, when manufactured commodities went up in price, the wages of the workers did not rise in proportion. Now the cry is that the cost of living cannot be reduced until the wages come down first. Where are the excessive profits made on the sweat of the workers between 1914 and 1917? I agree with the terms of the motion, and I realise that the unemployment problem must be relieved. I do not like the first words of the motion, because they indicate, to my mind, a vote of censure upon the Government. It must be realised that the Government has tried to carry on against a minority which was out for the sole purpose of cutting the throat of the nation.

Since I had the honour of being a

[Mr. Lyons.]

member of this Dáil—since September, 1922—there have been some very hard times, and I am sure I am voicing the opinion of the people that I represent when I say that it is not the intention of the workers in general to pass a vote of censure upon the Government they have elected themselves. But the workers have made sacrifices, and they ask in return that they be given employment in order that their sacrifices may not be in vain. I appeal to the Government to have something done immediately to ease the unemployment situation. Let them not do so in a manner like the slow motion picture that you see in the cinema after a great fight. I ask the Government and I honestly impress upon them to start the work at once. I quite agree with one of the Deputies on the Labour benches, the Deputy for Cork, when he says that when you write to a Minister or ask him a question the reply you get is "The matter is having attention."

Now, I would like to point out that there are a great many industries in the country on which employment might be given, apart altogether from the roads. We have at the present time, in Westmeath and Longford, hundreds and hundreds of acres of turbary and bog land. This is an absolute loss to the nation at present. There is a huge amount of wealth in it and great possibilities for employment if properly worked. The lakes and bog land can be drained and the turbary can be turned into fuel. If you invest money in that you get your money refunded again. I know very well it is necessary to keep up the roads. But I think it is just as necessary to keep the home fires burning, and I ask the Minister for Defence not to make scavengers of the men who went out to fight for the freedom of the country. It is a very poor return for a man who left his home and family and went out at the call of his country in order that he might bring peace and save the nation from utter ruin to be put in the position that the song he would sing now would be "Scavengers are we."

**General MULCAHY:** As a matter of

explanation, what does the Deputy mean by "making scavengers"?

**Mr. LYONS:** A scavenger is a man who works on the roads with a brush and shovel. I think that the Minister for Defence or the Government should have something better to offer the man who went out to fight for the country. I know it is very hard to cope with the large number of men who are being demobilised, but I think at the same time that something a little better than scavenging work should be given them. If it is necessary to turn them on to road work, give them enough wages to keep body and soul together.

I appreciate very much the speech of Deputy O'Mahony, and I was delighted with the beautiful picture he painted for us. I sincerely hope his suggestions will be put into practice. In speaking on the matter twelve months ago, I said I hoped something like that would be done, but up to the present my hopes were not realised. The workers of Ireland have too long been treated to the invitation "live horse and you will get grass." What I am afraid of is that the horse may die in the meantime, and the same fate may befall the worker. We are told "Live; there are good times coming." I sincerely hope Deputy O'Mahony's suggestion will be put into operation and that the Government will do something to relieve unemployment by breaking a link in the unemployment chain and giving them an opportunity to live in the country for which they have made so many sacrifices.

**Mr. CORISH:** I desire to support this resolution in its entirety. At the outset I wish to say that as far as the word "scavenger" is concerned, it was introduced into this motion by Deputy Lyons. The men for whom I speak are so anxious for work that they are prepared to do any sort of work, and I do not think it degrades a man to sweep the streets if he is paid for it.

**Mr. LYONS:** I did not intend, when using the word, to make little in any way of the National soldiers. I do hold if they are employed on the road they should get the same wages and not be given very much less than has been paid up to this.

**Mr. CORISH:** I also would like to resent at this stage some of the statements made by Deputy Good. Deputy Good has stated that the dole was an iniquitous system, and he talks as if the dole were in operation at this period. He stated that the administration of the dole by the Free State has been abused, or he used words to that effect. Now it must, and I am sure it will, be information to Deputy Good to be told that there is no such system at all as the dole in operation in the Free State, but that in England and in the North of Ireland the dole is still in operation. Deputy Good draws a comparison between the wages paid in England and in the Free State. In doing so he suggests that if the wages that prevailed in England were in operation in the Free State, we would have no unemployment here. Anybody who has read the history that is being made in England for the past two or three weeks will know that that statement is an absolute fallacy. The great Tory Government found it necessary during the past six or seven weeks to go to the country and have a general election on this very question of unemployment. I think that proves conclusively that although wages are lower in England than in the Free State that low wages is not a remedy for unemployment.

**Mr. GOOD:** On a point of information, might I point out that what I said was that it would be a remedy, or would give employment to a great many unemployed at present. I did not say that it would do away with unemployment.

**Mr. CORISH:** I do not think that makes the situation anything better. I think the inference I drew from Deputy Good's speech is the inference anybody might draw from listening to his argument. So far as the county councils are concerned, the inference that Deputy O'Mahony endeavoured to get the Dáil to draw from Deputy Morrissey's and Deputy Murphy's remarks was that we on these benches resent the employment of ex-National soldiers on the road. That is an entirely wrong idea to convey to the Dáil. On the contrary, we did not object to ex-National soldiers being employed on the road. We, as

well as every other section of the people, recognise that a great deal of gratitude is due to the National soldiers, and the country ought to be thankful to them for bringing us into the state of comparative tranquillity that we enjoy to-day.

What we do object to is that the men who have served their country well for the past 12 or 18 months are now being sent back to civil life to blackleg upon their fellow-workmen, because that is the meaning of the circular referred to. Deputy Gorey has spoken about the agricultural wage. Other Deputies and Deputy Gorey have spoken about a 28/- a week wage. In the circular that has been sent to the Wexford County Council by the Minister for Local Government, we were asked to decrease the wages below the standard of agricultural wages. The standard agricultural wage in Wexford is 28/-, but it was suggested that we should pay men a figure very much less than that. The suggestion was that we should pay men on road work 4/6 per day and that all these men employed should be ex-National soldiers, and we resent that. And I appeal confidently to the men themselves who were asked to take up work at that wage to resent it, too. It is not a fair position to place these men in, and one is forced to think that when the Ministry of Defence or whatever Department was responsible for it, suggested or made an order that the unemployment cards of the National soldiers should not be stamped during the period they were serving in the Army, they had this in mind.

That was done with the idea that you could force those men into the certain position that they cannot draw unemployment benefit at the end of their period in the National Army. Now, so far as the dole is concerned, I want to make it absolutely clear and plain that the workers of Ireland, or the huge majority of them, so far as I know them, want honest work; and they are prepared to give a good return for any money the Government are prepared to put into any scheme. Certainly, to some extent, and so far as a few instances go, there were men who did not work very much who were demoralised by the dole, but men who were working,

[Mr. Corish.] at the time the slump came, in this country, want work again, and do not want this unemployment benefit if there is anything else forthcoming to provide them and their families in decent comfort. I had a letter from New Ross a few days ago stating that 400 unemployed men held a meeting, and passed a resolution, and sent it on to the Ministry of Industry and Commerce, stating that they did not want unemployment benefit, that they wanted work, and that the time had arrived when everybody should do his best to put the country on its feet, and so long as unemployment continued, the country was not going to be placed in the position in which it should be in.

Let me give an example of how wages affect certain districts. Again referring to the statement of Deputy Good, I would like to point out this particular instance. In Wexford plans were submitted by the Local Government Ministry for the building of certain houses, and a contractor undertook to build them at £630 each. The wages in Wexford for bricklayers, carpenters and plasterers are 1/6 per hour. Similar houses were built in Dublin by a contractor for £475 each, although the wages in Dublin and its vicinity are 4d. or 4½d. per hour more. You cannot blame the workers, in this occasion. That is one instance, and one example, and there may be more, which show that the workers are not always to blame and that the contractors are getting a great deal more out of the work than they profess to in matters of this kind. Deputy O'Mahony talked about building houses, and I do hope the Ministry, before very long, will seriously tackle the housing problem, but as there are necessary details in connection with matters such as house building that take a considerable time to get ready, I do not think the present moment is the proper one to consider housing schemes as providing an immediate remedy. So far as skilled workers are concerned, I know they are prepared to do unskilled work if it is offered to them in present circumstances. I appeal to the Government to look at this from the proper angle and to try and secure the confidence of the

average man in the country. People in the country certainly realise that the Government has gone through a very bad time. They know the state of affairs that prevailed for the past 12 months contributed to the state of affairs now existing, but they are looking with confidence to their Government to do something to help them in this crisis, and I do hope our appeal on this occasion will not be in vain.

**Mr. ALFRED BYRNE:** I join in the demand put forward by the Labour Party that something should be done, and done quickly, for the relief of unemployment in the Saorstát. In the city of Dublin to-day I can give the Minister for Local Government a few instances, if he wishes, where there is actual starvation within a stone's throw of Nelson's Pillar. It is very hard, almost impossible, indeed, to get people to believe that that is so, but it is so, and quite recently we had a coroner's inquest where the verdict was that the deceased person who was the subject of the inquest had died of starvation. There is starvation in the city of Dublin to-day, and I ask if the Government is going to do anything for the relief of the unemployed that it should be done very quickly. In Dublin we have not got the number of road workers referred to so frequently in the debate. I am aware that the road workers are a very deserving class of persons, but we have in the city of Dublin men engaged in the workshops, men engaged at the lathes who are walking round the streets of Dublin, who do not want the dole and do not want charity, but who do want decent work. I make a suggestion to the Minister for Finance and to the Minister for Local Government as to how they could immediately remedy these things. We have in Dublin at least 25,000 people living in single room rookeries. These rookeries should be swept away. They are rat-infested rookeries and we have people living in abject poverty in houses without any proper sanitary accommodation. I made a suggestion some time ago, and I was satisfied at the time that there were many persons prepared to adopt the suggestion made, and that was that private builders—men with small capital—should get a Government



grant, no matter how small, towards building houses. If that were done it would remedy the housing shortage and it would also provide decent employment for many men now hanging round the Labour Exchanges looking for anything that comes their way.

I am a member of the Dublin Port and Docks Board, and about two years ago a very elaborate scheme of reclamation of valuable land fell through because that Board could not raise sufficient money to continue the reclamation of the land. The grant in that case was first given by the Lord St. David's Committee. The continuance of the grant would have provided employment and produced very valuable rateable property for the citizens of Dublin. I also think it is time that we had the Fiscal Commission's report. If this report could remedy some of the injustices to Irish industries, if it could stop the wholesale dumping of manufactured articles which could be made at a very reasonable rate in the city of Dublin, I think the Fiscal Commission would be doing very good work indeed. We have in Ringsend three or four bottle factories closed down entirely, and we have every Thursday at the Port Board a return showing—and it is rather unfortunate that it should be so—on an average from twenty to thirty tons of bottles dumped in Dublin almost every week. The boat carrying these manufactured goods, manufactured on starvation rates of pay, is allowed into this country without paying a penny tax, and the ship that carries these goods passes by, before it gets to its landing stage, the bottle factories that used to supply Ireland with bottles. I think something should be done in that direction.

I join with Deputy Lyons who spoke about the discharged soldier, the man discharged from the army and sent home to his wife and family and not allowed to draw one penny of unemployment benefit, the man of whom Deputies in this Dáil were so loud in their praises. It is because of the services rendered by these men that we are enabled to sit here, and it is also because of the protection they rendered that our own houses are still standing. Now we have these men thrown out of the

Army and not allowed to get the same privilege as is enjoyed by the men who did not do anything to protect the interests of the State. We grant, of course, that the unemployed did do their share, but as regards taking responsibility and putting their lives in danger, they did not do as much as these men who are now leaving the National Army, and I think something ought to be done for the latter. I think it is unfair and a shame for the Parliament of the country to allow the discharged soldier, who has served perhaps for twelve months or two years in the Army, to be sent home, and that simply because his card was not stamped during the period of service—because a condition in the allocation of unemployed money as regards having twelve stamps on his card previous to joining the Army was not complied with—he should not be entitled to get anything.

I did ask before that some amending measure should be introduced in order to give these men at least the same privileges as are enjoyed by those who did not join the Army. In conclusion, I desire to say that I support very cordially the Motion which has been very ably and very reasonably put forward for consideration from the Labour benches.

**Captain REDMOND:** There seems to be general agreement in all quarters of the Dáil on several points in regard to this question of unemployment. In the first place, unemployment is there. That is an unmitigable and an unwelcome fact, and it is also to be regretted that it is not very much on the decrease. I am glad, however, to say that it is not very much on the increase either. The problem also exists in other countries as well as our own. All through the world, since the great world war, one of its consequences has been this awful spectre of unemployment. That is an admitted fact. In the second place, the dole has been condemned in all sections and from all quarters of the Dáil. The dole, undoubtedly, had a demoralising influence on the workers of the country. The workers of the country to-day say that they do not want the dole, the employers say that they do not want the

[Captain Redmond.]

dole, and as far as we are concerned in the Free State, the dole is practically non-existent. The third point of agreement to my mind is that something should be done, and must be done as soon as possible by the Government. Arising out of the third point, as regards agreement, comes the question as to how that something is to be done. I admit most readily that the problem is an exceedingly difficult one. It is a difficult one for any Government.

The late British Government went to the country because they considered that unemployment was rampant there, and that the way to remedy it according to their minds was by a system of protection. They may have thought that was the remedy, but the British electorate evidently thought otherwise. As far as we are concerned here, it has not been seriously suggested that protection shall be our remedy. It is true it has been mentioned previously by Deputy Johnson, but that, at any rate, I do not think is even his immediate proposal. But how is the Government, faced with this difficult proposition, to meet it? It has to, and it must, provide means and methods of doing away with unemployment, financial means in the first place, and channels through which and by which these means may be utilised. Our Government is not overwhelmed with riches, and, therefore, I can thoroughly realise the difficulties that the various Ministers will be in with the Minister for Finance when they approach him on the subject of endeavouring to get means for their Departments to stay unemployment. There are, however, certain channels well known to everyone which, at any rate, suggest a possibility of removing this difficulty.

There is housing and improvement of the conditions of the people, not only in the metropolis, where, as Deputy Byrne stated, things are bad, but, as I can assure the Dáil, in the country and in the provincial towns, where they are equally bad. It is not so much, to my mind, a question of finding employment for skilled, as for the unskilled workers. Possibly it is true that there is a certain amount of unemployment amongst the skilled artisans of the country; but

everyone knows that the great bulk of labour in this country is unskilled, and that it is necessarily among the unskilled that the greatest unemployment exists. To my mind, therefore, a system which would give the greatest proportion of employment to unskilled labour and which, at the same time, would be for the benefit of the nation at large, is what the Government should immediately, at any rate, address themselves to. It has been suggested that there should be a great system of national trunk roads instituted. All this requires money, and it is as to how the money is to be provided that I am most anxious to hear what the Government have to say. Housing must be seen to; the roads are there to be repaired; bridges have to be rebuilt, and there is also the necessity for repairing, and even for the construction of harbours round our coasts. There are plenty of means of giving employment, but the difficulty that I see is to find the money for employing these means. When that aid is brought forward, as I am sure it must be shortly, by the Government, I hope it will not be suggested, as Deputy Corish led us to understand, that the Government intend to bring about a reduction of wages throughout the country, by paying the men employed on these works of reconstruction, whether they be ex-National soldiers or otherwise, a less wage than the existing local wage for unskilled workers. Certainly, I think that would be unfair, both to the workers you are about to employ and to those who are already in employment in similar forms of work in the district. It has been stated that unemployment is largely due to the rate of wages. I think Deputy Corish met Deputy Good very fairly on that point, when he showed that in England to-day, though wages in some respects may be lower, yet unemployment is, if anything, more rampant. I am not going into the reason for unemployment, and I am not going to enquire as to whether the present position is due to past actions on the part of employers or trade unions. What we have to go into is the immediate question of unemployment at the moment, and to see what we can do to remedy that state of affairs. I am

confident that the Government cannot and do not wish to ignore the state of unemployment in the country, and I feel sure, having heard the speeches from the Labour Benches, that if the Government bring forward a fair scheme of employment, based upon wages that will not in any sense be "blackleg" wages," the Labour organisations throughout the country will meet them more than half way and endeavour, along with the Government and the employers to, at any rate, better, if not abolish, this appalling state of affairs.

**General MULCAHY:** As a matter of explanation, and before we get too far away from the statement that was made by Deputy Byrne in connection with unemployment benefit for men who served in the National Forces, I wish to point out that service in the National Forces does not deprive a man of any benefit that he would otherwise be entitled to. Men who before they entered the National Forces were employed in insurable trades are kept by contributions during the time they were serving in the National Forces, in benefit, so that they may enjoy, on leaving the Forces, the benefits of the amounts previously paid, as well as of the amounts paid during their service. A man who was not employed in insurable employment is no worse off on leaving the National Forces than he would have been if he never served in them. The Deputy was present, I take it, when the Act was passed which dealt with that particular matter. As far as making service in the National Forces an insurable occupation, considering the short period of time that men enlisted for, and considering the great cost it would be to make service in the National Forces insurable, it was considered inadvisable to do so. The cost of making National Service insurable would be something like £250,000 for the last 12 months.

**Mr. HEFFERNAN:** I do not intend to detain the Dáil very long, as I am sure Deputies are getting tired of this almost interminable discussion. There are one or two points to which I would like to call attention. In the first place, I would like to say that I have the

fullest sympathy with the unemployed. I think it is a shame and a disgrace that any man able and willing to work should find himself in this country in the position of not being able to get work and being obliged to take advantage of the dole. I am aware, strictly speaking, that this is not a dole, that there is an unemployment benefit to which the worker contributes. But the Government also contributes, so that it amounts, to a certain extent, to a dole. It seems to me that if the leaders of labour in this country took their courage in their hands and recognised the economic conditions that exist, we would find a solution of this question much easier. We have sad knowledge of the evil effects of the guidance which has been given in certain cases by leaders of labour, at any rate in the county I represent. In Tipperary, Waterford and Cork creameries belonging to Messrs. Cleeve

7 o'clock. are now in process of liquidation. That is directly due, in my opinion, to the unsound advice and the unsound leadership that the workers got.

**Mr. JOHNSON:** May I ask Deputy Heffernan if he knows the views of Messrs. Cleeve on that point?

**Mr. HEFFERNAN:** I do not know the views of Messrs. Cleeve, but I know the views of the farmers who are very closely concerned in the matter. I am giving the views of the farmers. There are in these counties, and in the towns at present, considerable numbers of unemployed, and I maintain that their disemployment was directly caused by the action of their leaders last year, when they caused these workers to take possession of the creameries, and attempt to establish forms of Soviet.

An immense financial loss was caused to the owners of the creamery but a still greater financial loss was caused to the farmers. A great loss was also caused to the workers, directly and indirectly, because we find that on account of this action there are hundreds of men unemployed in the towns of those counties. In Tipperary town there are a great number of unemployed. I think those men should place the blame for that unemployment on the shoulders of those properly responsible for it—the men who acted

[Mr. Heffernan.]  
as their leaders at that time.

A recognition of economic conditions would greatly help to solve this problem. It must be recognised—it has been stated and emphasised by the Minister for Agriculture and others—that the basic industry, agriculture, is now in a very bad condition and that, as a matter of fact, it is not a paying proposition. I maintain that on the condition of agriculture depends the condition of employment in the country. If the agricultural workers are paid a certain wage, it is not reasonable or fair that other workers living in a rural district should be paid a higher wage. It seems to me that it is not reasonable or fair that men who are working on the roads and living side by side with agricultural workers should be placed in a position of exceptional advantage. My idea is that economic conditions should be so brought about, that the position of the agricultural worker would be improved and that he would be paid a somewhat higher wage. Before that can be done, to me it seems almost certain that the wages which are enjoyed by the other workers must come down to some extent. I do not think anybody on those benches or on the other benches in the chamber desires to crush down the worker to a wage below a living standard. It is my desire—and the desire I am sure of the other Deputies who sit on these benches—to see that wages are paid which will maintain a decent standard of life. But, as Deputy Gorey said, we must cut our cloth according to our measure. We cannot take a quart out of a pint pot. We cannot get more money out of agriculture than agriculture produces.

I also agree with Deputy Gorey that it is advisable that work should be provided, even though it be unproductive work. But, if possible, I think that the work to be provided should be productive work, and I think there are excellent openings for the Government in existing conditions in this regard. I understand that a considerable grant is to be made for the relief of unemployment, and I trust that that grant will be devoted to such uses that employment of a productive character will be produced. I refer to such

matters as drainage, afforestation, reclamation and other productive work in connection with agriculture. In particular, I would call the attention of the Government to the necessity for the drainage of certain rivers and consequent reclamation of agricultural land. In my county there are two or three rivers which are always blocked up, with consequent silting. The result is that considerable areas of valuable agricultural land are flooded periodically, and the land is deteriorating from year to year. I suggest that the Government should take serious notice of those facts and, when they bring forward their scheme for unemployment, that they should make arrangements whereby grants should be given to the responsible authorities, so that employment could be provided at the productive works to which I have referred.

I agree, to a large extent, with the first portion of this motion put forward from the Labour Benches. I do not agree with the latter portion of the motion because I think it is advisable that wages paid to the workers on the roads, who would be earning this grant and who would probably be demobilised soldiers of the National Army, should approximate to the wages earned by agricultural workers in the same districts. It would be very inadvisable to add to the jealousies and constant disputes which arise in the country districts. The reason for this circular by the Local Government Department is, I think, easily understood. They have control over those funds in connection with the roads, and they feel, having that control, that they are entitled to specify the wages that should be paid. They do not control the wages of other workers of local Boards, with the result that they cannot dictate what wages should be paid to these constantly-employed workers. It would be advisable, if it were at all possible, that Labour leaders should make a compromise and get into touch with those responsible for paying those wages. Some arrangement might be come to whereby the wages paid to demobilised soldiers would be somewhat increased and that, in order to balance things, the wages paid to the ordinary road workers would be somewhat reduced.

Representing, as I do, the farming community, who constitute the main source from which the money is drawn for the payment of road workers, I think I should state my view that it would be impossible for the industry to bear any longer the immense drain upon it in the form of rates. The cry is common up and down the country that the farming industry is not able to bear the rates. I know perfectly well that that is the case. If we are to have things moving in a harmonious way, it is necessary that some effort should be made by the Government to reduce rates. Evidently their intention in sending out this circular, which has been so much criticised, was to induce economies in local administration and to point out that, in order to bring about those economies, wages would have to be reduced.

**The PRESIDENT:** I did not notice during this discussion much attention being given to the condemnatory terms of the resolution or to the subject matter with which it deals. After all, if there be unemployment, I think it only fair and reasonable that the ground should be examined in order to see what is responsible for it, what is its cause, what led up to it, and what steps, if any, are going to be taken to try and do away with it. I think that anybody who has observed the course of events in Europe and Ireland for the last ten years will have no hesitation in being able to place his finger on the real cause of unemployment. It is not necessary to go to any length to explain that the whole system of economics was disturbed by the late war, by the revolution here, and by the changes that naturally followed those two events—the raising of prices, the raising of incomes, the lowering of incomes, and alterations in capital. Compared with that which now exists, there was a far sounder system of economy ten years ago. Ordinary business at that time, the expansion of business, industrial concerns, and commerce generally had much more reason to be satisfied at that time than they have now. There is a certain nervousness brought about by rapidly changing circumstances, by the uncertainty of business, by industrial

strife, and so on, and, whatever objections there may be to that particular term by the Deputy from Clare, one must not exclude those considerations when considering this problem. Whatever economic basis there was at that time it had a long growth, and the longer the growth the firmer the roots of that growth were implanted in the soil.

It is not for the purpose of standing over or praising that particular economy that I mention it but rather to show that it is not in a day, a week, a month or a year one builds up such conditions of affairs as satisfy the business community, capitalists, financiers, and other people who are almost inseparable from the economic system. I think the changed conditions and the alterations in income and capital led in some measure or another to this particular problem which we have now to try and solve. The reasons which led to those conditions are gone. The late war has gone, let us hope for ever, although there are indications now and again that there is a possibility of its resumption. Our own revolution has gone, and I think it is time for all parties in the State to take stock of the changed conditions and to see how far those changed conditions are responsible for this particular difficulty and this great problem that must be solved, either now or in the future, and see if there are root causes in the changed conditions which are going to make unemployment perpetual with us. We cannot exclude from our consideration in this matter, as I mentioned to the Dáil a month ago and as the Minister for Agriculture mentioned within the last fortnight, what are the prospects and what is the condition of our main industry. Without being in any way disrespectful to the members of the Farmers' Party, I would not be disposed to take their particular interpretation as to how it stands, as, like our friends opposite, they are inclined now and again to exaggerate a little, and one must conclude that this country must become bankrupt if one were to take the farmers' interpretation. One must also conclude that the Government, and those who support it, with all its works and pomps should have been damned long ago if one were

[The President.]  
to take the labour interpretation.

**AN CEANN COMHAIRLE** at this stage resumed the chair.

**The PRESIDENT:** It is a matter of serious consideration how that particular industry stands with regard to the other industries. If examined on that basis, we must say that the Farmers' Party are entitled even to exaggerate a little and to say that their industry is charged with costs and liabilities which if it is not able to bear is at least groaning under. Some of the recent statements dealt with unemployment as if it were a passing phase, as if it were something which must be given a tonic and the tonic will do the rest. That is not the manner in which the Government approached this matter now or during the last six or twelve months.

**A DEPUTY:** Hear, hear.

**The PRESIDENT:** That is, I think, the manner in which the Deputy who says "Hear, hear" seemed to look upon it a short time ago. Ministering to it either in the form of uncovenanted benefit or relief works is only leaving it there, and, to some extent, perpetuating it. If we are prepared now to see how far we can place this new economy that we are all charged with on a more stabilised and a sounder basis than it has been upon, and—even members on the opposite benches will admit it—than it is at present, if we are to take into consideration the question as to whether a mere temporary and passing relief is to be administered, one of the first considerations is the uncovenanted benefit or, as some people will call it, the dole. If we are to consider the dole we ought to consider it from the very beginning. It was not of the seeking, I think, of the Labour Party or of any of the labour leaders of this country that it was given to this country. It was an easy way of getting out of the difficulty when there were capital monies in the possession and under the control of a very much richer country than this. We cannot afford that particular form of assistance known as the uncovenanted dole. The fund which distributes that particular form of assistance, or insurance, to give

it its proper term, is now something like £1,000,000 on the wrong side. We will have to advance something like £1,000,000 to that fund in order to allow it to discharge the payments it has made or which it will be committed to.

Even if we were to use that particular form it would only be shelving the problem, and it has this great disadvantage, it makes for indifference. It does not make for comfort, and is particularly costly, and I would ask members opposite when they criticise us on this question not to lose sight of the fact that this is a poor country relatively when considered in the light of our neighbours. The last time I saw a return of the revenue of Scotland, which has not a population much greater than ours, it was in the neighbourhood of £100,000,000. Our revenue is one quarter of that. We are not as rich as Great Britain. We have not her potentialities, and we are not on the scratch mark with any of those countries on the continent whose coasts flank our own. We have not got any right to consider the methods which have been adopted in other countries in dealing with this subject.

**Mr. JOHNSON:** Not to consider them?

**The PRESIDENT:** Yes, not to consider them. In some countries they have adopted what is known as inflation. We have not got a right to consider that. We have made no great sacrifices, and we have got nothing to show why we should disturb a very serious credit situation. In other countries on the continent what we take as a pound standard, is worth only 6/8. We cannot do that. We have in the first place no national debt. The ten millions we have borrowed is a national debt, and in good faith it must be returned in the form in which it was borrowed. We are not entitled to consider that question of inflation as a means of alleviating our situation, even if it has solved the difficulty in other countries.

On an examination of returns that we have had from different parts of the country, we find it very difficult to agree with the case that has been made

by various members of the Labour Party. I do not see why there should be an extraordinary difference in the rate of pay in the different counties of Ireland of the road workers. The amount varies from 4/6 to 8/8. I cannot see why there should be for another form of payment the difference between 5/10 and 9/7. The agricultural community in those particular places do not get that difference in the price of their produce, and why the cost of living should vary so much between one county and another is certainly beyond my comprehension. In distributing public funds we are not entitled to pay to one county, 9/7, and to another county, 5/10; nor would there be a justification for giving 8/8 for an article in Leitrim, and 4/6, say, in the County Galway. We cannot make a distinction between the counties, such as that of the different wages paid. I think I would have the majority of the people in the country behind me on that question. Members opposite may dispute it but there are the facts. We get money from the public on an equal basis. We are not entitled, getting it on a level basis all over the country, to distribute it unequally by reason of certain changes in the rates of wages paid in different districts.

Deputies say we have failed to deal with unemployment. What have we done for unemployment? I mentioned the million pounds. Since we came into office, sometime in January, 1922, we have practically provided a million pounds for housing, and I invite the Deputies opposite to concern themselves, even to the point of considering what that million pounds meant. Deputy Corish said a house is built for £630 in Wexford, and the same house costs £475 in Dublin. I wonder would a man who is paid 1/6 per hour for building that house in Wexford pay £630 for it. If you charge the State 1/6 per hour for your work, are you prepared to buy the article at the fair cost at which it was built or made?

**Mr. CORISH:** On a point of explanation, what I wanted to point out was that the workers are blamed for the high cost of production, and here you have a case in Dublin where trades-

men are paid 1/10½ per hour. The house is built for £475. In Wexford, where the rate is 4½d. an hour less, it costs £630, which shows that contractors are reaping some of the benefit.

**The PRESIDENT:** Take it at the smaller price. Will they pay £475? If not, we are not on an economic basis. Another Deputy who is a member of two local authorities, said this is the duty of the Government. Then what are the two local authorities doing? One of them will be entitled at the end of the financial year to get £100,000. What are they doing for this unemployment question? They sent us in a political petition a few days ago, and if they spent as much time on considering constructive proposals dealing with important questions, such as unemployment, and then when they had exhausted their energies on that subject, were to take up politics, I think the people they are supposed to represent, would be better satisfied.

Mention has been made of the Fiscal Report, and I am leading up now to a point which I have barely touched on. We are not satisfied, in connection with any report coming from any quarter, dealing with the Fiscal question, to start off at present prices. We want to have those prices examined to see whether or not they are economic, and if they are uneconomic we would not be justified in starting off on that basis. A Deputy said that if we prohibited bottles coming into Dublin by putting on a tariff they could be made here. The Deputy did not state at what price they were being brought in, and at what price they would be made here. It is not fair to get up and say that. Can the people of Ireland afford to pay uneconomic prices for articles manufactured here? If we start on that basis and build on it you will have no money to buy, either here or elsewhere. If it can be shown to us, if the Dáil can be persuaded, that there is unfair competition in the matter of dumping, that there can be a fair return for work done here, we are prepared to do everything in our power to ensure that the men working here will be guaranteed their employment, guaranteed their output and guaranteed from any form of dumping which is unfair, but we are

[The President.] not going to put a tariff on goods coming in if the prices charged locally for the same goods are beyond their value. For something like twelve months we have had representations from people in business from all parts of the country, every one of them having the same story. It is not altogether a question of the high wages. I would not care twopence if the prices were twice as high provided the output were four times up, or only three times up. The question is: Can we get value for value, and I think the Deputies opposite will admit that that is a fair case to put up, that if workers in any part of the country are provided with money for such a thing as housebuilding they should themselves be able to purchase these houses at a reasonable price, that the improvement should start from the bottom, and that it ought not to be a question of building houses for rich people only.

Even with the unsatisfactory state of affairs existing here people are coming along to start businesses. We have evidence that, for the last six or eight or nine months firms have started and manufacturers are coming and spending a good deal of money in putting up factories. But they are banking upon the sound commonsense of the people that if the conditions at present prevailing are unsatisfactory the people will realise it and that it is only a passing phase, to be improved as soon as the people have had sufficient time to consider the importance of these questions.

Recently in a certain Government Department—I cannot vouch for the story, but I mention it now so that if there be any truth in it the people concerned will learn something—some people recently demobilised from the Army were employed, and I am told that it is common talk amongst them that they are not going to give a return for the money they are being paid. That is not the spirit we would expect, that men coming from a fine, honourable service like the Army, should take up, and if we find they are not giving a return they will be shunted, even though they are threatening great things if they are shunted. We are not

going to take these threats or be afraid of the consequences. If they do not give a return for the money, no matter who they are and no matter what services they give, they will go, and I think that is the view even of Deputies opposite.

**Mr. JOHNSON:** Even! I suggest to the President that it is especially the view of Deputies here.

**The PRESIDENT:** As regards the Government's failure to deal with this question of unemployment, I think I have at some length dealt with what the Government's view on it is, that is, getting on a basis where value will be offered for Government money, or for the people's money, for any article received or any service rendered. If we are agreed on that—I suppose that it would be with some reluctance that I would be given a Tá vote from the other side just now—then the other points could be very easily supplied. The Government's policy is to apply as much money as can be made available to constructive works rather than to Uncovenanted Benefit. The principal scheme of works is a road scheme. That absorbs unskilled labour almost entirely, and we are prepared to make available for that road scheme a very considerable sum of money. With that scheme and the reconstruction of bridges and such work, I anticipate that we will be able to have available, along with one other little activity that I will mention later, a sum of approximately £2,000,000, or close on that. The Postmaster-General told me some time ago that he expected an influx of something like 100,000 American visitors next year. If that be the case, I think that the roads ought to be in a reasonably good state of repair by the time they come, and that the impression they will get from this country will be such that, in spite of what the Press may have said about us during the last twelve or eighteen months, we can remedy defects in a comparatively short space of time.

**Mr. A. BYRNE:** Will you re-build the Post Office?

**The PRESIDENT:** There are other points to be considered in connection with the re-building of the Post Office,



and I think that although the present arrangements are, perhaps, not delightful, there are more important matters which might be considered. The Deputy mentioned one, and it is an important thing to bear in mind, that there are a large number of people in the city of Dublin without proper habitations. If we concentrate upon swell Government buildings during the next two or three years, a smaller sum will be available for building houses for the people who are so admirably represented by Deputy Alfred Byrne.

**Mr. A. BYRNE:** You got in on me there.

**The PRESIDENT:** I always like interruptions. Now, we come to the second point. A very considerable amount of time has been spent on the consideration of this subject. I have had many unofficial conferences with employers, whom we selected, and with responsible Labour leaders. We put it up to the employers on, I think, the last day what our views on this particular subject were.

We pointed out to them we could not afford much money, but that we were prepared to go a fair distance and guarantee that, if we were met. They agreed to meet us, with some little hesitation. At the last meeting we held one of the Deputies appeared to be troubled with a rather scrupulous conscience, and mentioned that there was a fly in the ointment. I think we made his mind easy on that, so that it would not be a stumbling block, and I think we parted, they, on their side, undertaking to do whatever was in their power to find accommodation on this proposal we are going to make. Considerable advances must be made by the other side.

The Government is prepared to put up a sum of £250,000 in the nature of subsidies for the building of houses, and a sum of something like £50,000 for the reconstruction of houses under certain conditions. These houses are to be built for a certain price. The local authority, or any person bringing down the sum of money we have stated, must be entitled to get a house. In other words, we wanted to make sure that when asking for accommoda-

tion from the various trades or trades unions they, in turn, would derive the maximum share of the benefit from this particular accommodation that we are asking for. There are three forms of houses—three-roomed, four-roomed and five-roomed. The Government grant for a three-roomed house is £60; a four-roomed house, £80; and a five-roomed house, £100.

**Mr. JOHNSON:** Are these confined to cities?

**The PRESIDENT:** Yes; and in rural districts £50 for a three-roomed house; £70 for a four-roomed; and £90 for a five-roomed house. We have a Bill ready to introduce immediately that we get accommodation on this; and every possible facility will be afforded, as far as the Government is concerned, even in the payment of the money. We have been told that a housing scheme would not, of itself, provide much employment. We calculate that the roads scheme I have mentioned should absorb anywhere from 12,000 to 20,000 men. We calculate that the housing scheme should employ somewhere in the neighbourhood of 10,000 men—possibly not 10,000—but with another scheme to which the British Government is committed, there should be something like 10,000 employed. I mention the housing scheme first, because most of the unemployment is confined to unskilled workers. There may not be opportunities just now, or for a month or two, for building. It is the bad season, but it is a time when sites may be developed and other work done which would give employment to the persons most concerned. We want a considerable reduction in the cost of houses. I want to give Deputy Johnson as little chance of attacking me as possible when I said, in the cost of houses, if you put in twice as much work as you put in up to this, I do not care what wages you get from Deputy Good. I do not think he would object to paying present prices provided he gets more work done, but we want the houses at these prices, and I hope that the Builders' Committee which met us will be received in a good spirit in trying to find accommodation on this question. They say:

“That the Government be in-

[The President.]

formed that their proposals have been carefully considered, and the Committee are of opinion that houses can be built with the grant of the subsidy and the assistance of the local authorities as set out in the proposals, provided that labour is willing to reduce materially its rates of wages (which are at present the highest in Great Britain and the Irish Free State) and that the cost of building materials, which are governed to some extent by the cost of labour, can be reduced to reasonable figures. The Committee are prepared to open negotiations immediately with the representatives of labour and the providers of building materials, if the Government will call upon these parties to meet together in the National interest to see what can be done to meet the demand for houses. After these interviews have taken place and the views of both parties are ascertained, the Committee are prepared to put forward proposals."

I am not positively certain about the price of a house. I think about £500 for a five-roomed house, £400 for a four-roomed house, and £300 for a three-roomed house.

**Mr. CORISH:** On what prices were they based? Were they based on a reduction of wages?

**The PRESIDENT:** Those prices are to some extent based on what we would call the "middle-cut," or, perhaps, not quite the "middle-cut." We took into consideration first what would be a fair price for a house, and then we considered the present prices for houses. We did not go quite, but nearly, half way in this particular price. I hope Deputies will give me sufficient credit for these figures to say we are not getting down in these figures to an economic basis, but we hope eventually to get down to it. Mention has been made of a drainage scheme, but we are not satisfied that drainage schemes are feasible at present. They are big works that take perhaps even more consideration than the question of unemployment, before one is ready to deal with them. Engineering experts have to be employed, and other matters attended to,

but there have been certain minor drainage works in various parts of the country which have been almost inoperative for some time, and we propose to consider the question of utilising the Board of Works and having those drainage schemes attended to in the next few months. That was one of the services I had in mind when I mentioned the sum of £1,750,000 or £2,000,000. Representations have been received as to the carrying out of work in the county boroughs, the clearing of sites in O'Connell Street, and reconstruction in Cork. If the Dublin Corporation would put their politics in their pockets for a time and consider that, we might get on with a little business. Large sums will be paid in the current year for compensation, some of which will be for building and reconstruction, and I ask the sympathy of the Dáil and of the people of the country in this matter. Unless the price of building is brought down, the country will be salted in the amounts that will be decreed in the various Courts, and the more the country is salted the less chance there is of providing the common people with decent habitations. Our means are strictly limited. That point need not be stressed, and I think Deputy Johnson is aware of it. What we want in this accommodation we are getting is to see how far it is possible to spread out the money we have got so that the maximum benefit will be derived by the people.

**Captain REDMOND:** May I remind the President that I think he was going to refer to the £1,500,000 grant from Great Britain for houses for ex-service men?

**Mr. CORISH:** Would I be in order in asking the President if the Government is prepared to approach the banks to help the local authorities to get the remainder of the money on somewhat favourable terms, such as in connection with other housing grants?

**The PRESIDENT:** We had not in mind using the local authorities in this housing scheme, except to this extent; if they were willing to give sites to provide builders with an opportunity

of erecting houses; they could be utilised to that extent. In the Bill we propose to insert a clause dealing with rates, spreading over a number of years the payment of rates, charging, say 5 per cent. the first year, 10 per cent. the second, and so on until the 20th year, when one would pay the full 100 per cent. That would come out in the Bill, but there is no use introducing a Bill unless there is agreement as regards the cost. With regard to what Deputy Redmond said about the Soldiers and Sailors Trust, we have been in communication with the British Government on that particular subject. Personally, I think what has held up that scheme is the relatively higher price which these buildings cost in the Saorstát as compared with the Six Counties. That is only an opinion, but I am not far wrong in expressing some opinions on these questions of finance.

**Captain REDMOND:** Is the President in a position to say whether the Trust has been fully completed yet?

**The PRESIDENT:** We have appointed our trustee. We appointed him many months ago. I have seen a despatch about the matter recently, but I cannot remember the exact terms of it. It was a draft of the Treasury Regulations and we made some suggestions with regard to them. I do not think there will be much delay in this matter. I would almost guarantee that there would be no delay if we can get this agreement. I firmly believe that is the only thing holding it up. We will get our proportion of the one and a half millions.

I was dealing with local authorities and what they can do in this matter. I am not at all satisfied that local authorities are the best method of dealing with houses. Utilise the local authorities and what happens? Every pane of glass that is broken costs twice as much to replace as it would cost the ordinary man if he did the work. Now, as regards the collection of rents, the local authorities must pay a fairly high wage to a man to do that work. Those are charges that the houses cannot bear, and they fall either upon the tenant of the house, or upon the local authority. These are times when I think every possible effort must be

made to bring down rates of local authorities.

It is not for nothing that the Minister for Local Government asks for a Special Bill, and tells us that the County Councils were in debt over overdrafts for something like £800,000. One can quite understand that until this is wiped off, and until those Councils have established their credit again, the various banks cannot be blamed for saying: "We prefer to lend money to people who can afford to pay us, or who can make some effort to pay us." I mentioned that local authorities could give sites, and develop ground. Then there is the question of the rates, but I suppose I would be out of order in developing that matter as it would be one of the terms of the Bill that we would introduce if we got this agreement. The Government is not concerned in making an offensive on wages. I hope that point will be appreciated by the Labour Party.

**Mr. JOHNSON:** It is very much like confirming it.

**The PRESIDENT:** I am very sorry that impression has been created. What we are concerned with is seeing that value is given for what is received. During the Election, I stated that every honest day's work done by any man in this country added to the value of the country and enriched it. If 100,000 men do twice the value of the work they have done formerly, the whole country is going to benefit. That is the only point I know which is in dispute between us, although we may have approached it from different angles.

The unemployment position is very serious. I mentioned already the one million for housing. We gave something like £100,000 for roads earlier in the year. We managed to get back from the British Government all the old grants that had been withheld. We also managed to get from the British Government the cost of the damage that had been done by the British Forces, leaving us to bear only our proportion. A very considerable amount of that money has already been put in circulation. To some extent, people who have

[The President.]

got it have not used it, or have not started to use it for the purpose for which they received it. There is no use in denying the fact that high prices have kept them from doing so. Even now there is a considerable development in the work of reconstruction in Cork.

We realise that this unemployment problem is a very serious one, and one, too, that makes the general condition of affairs in the country serious. But the Government is prepared to go far towards providing constructive remedies. I would certainly ask the Labour Party to judge these proposals, not in the light of wages resulting from collective bargaining in private industry, but in the light that it is their duty to assist us in securing work and maintenance for as many of the population suffering from the distress of unemployment as the most generous possible extension of the State's resources will permit. I do not want the Dáil to be under any misapprehension about the two millions grant. That is the sum that we are going to make available. The sum that the Government will put up out of that will depend largely upon how the fund is funded in the meantime. That is, the Road Board Fund. We are prepared to start putting it into operation now, and even to put in some money from the State. That, of course, requires a Supplementary Estimate. But there is no necessity to mention that until we bring up the Supplementary Estimates.

**Mr. JOHNSON:** Last night I said that we had not extracted from the President much information regarding the Government policy on railways. We are better off to-night, inasmuch as this motion has at least extracted from the President a statement of the Government's present views upon the schemes for the relief of unemployment. I think they are not satisfactory, notwithstanding the promise of considerable sums of money. I had hoped, from the earlier statement made by the President, that he was getting down to the real roots of this problem, that he was going to show us that he had tackled the problem in its ultimate. I was particularly hopeful when he uttered these

words: "That the workers should be able to buy houses" (or one might say other goods as well) "out of the wages they obtain." I hope the President will develop that and follow it through. That is good doctrine. It is the whole of our philosophy, that those who produce should be able to repurchase the whole produce of their labour in one form or another, and that there should not be abstracted from their produce certain portions of that produce which go to other people who do nothing in assisting in its production. I hope that the axiom that the President laid down as a desirable one will be adopted by him, and by the Ministry as a whole, as a guide for their future thinking and action on economic subjects.

It appears that the Government has made up its mind that a preliminary to inducing better production is to cut wages. The Scheme that has been put forward says, "Cut wages, certainly; if you can increase the output do so." The Minister for Local Government writing to the County Council says "Cut wages, certainly, and if you can improve your organisation of the road work, do so." I suggested here and in Committees when discussing such matters with the Government, that I am quite prepared to stand for greater production. I am quite prepared to assist in advocating keener attention to business, whether from the employers or the farmers or the workers. I believe it is necessary. I do not believe that it is possible to get out of this country the best value necessary for the up-keep of the people of this country unless a greater effort is made in the conduct of productive undertakings. But I am certainly not going to assist in any campaign preliminary to that effort which will imply a general cutting of wages. Deputy Good has referred to an invitation that he threw out to me a week or two ago, when he said he would be glad to talk over and discuss the problem between employers and workers in the building trades on the basis of a reduction in wages, assuming from the beginning that that was a *sine qua non* and the only condition to be considered for better and cheaper production. I have stated here publicly that if the employers in the

building trade and if the employers of the country generally are prepared to meet and discuss these problems on the basis of work done, and management and organisation as well as labour, that we should find accommodation.

That invitation has been responded to from no quarter. The purpose, as defined here in this debate is we must buy labour cheaply and leave the chance of the market for the disposal of the produce. Now that is not the way to approach this problem if we are going to get anywhere near a solution, either temporary or permanent. We agree most emphatically that this is not a temporary problem, a temporary evil, a passing phase, which is not applicable to Ireland alone, and while I am not going to suggest that it is possible within this winter for Ireland to solve the problem permanently that other people have failed to do, I believe we can get on to the right road if we are willing to look at the problem of production and distribution from the basis of work done and service rendered.

The President emphasises time after time, the necessity for doing these things on a proper economic basis. Houses must be built on economic terms—I do not know at present what that means. Does it presuppose the continuation of present prices, for instance, present rates of profit, present rates of wages? You are going to build houses now at a price, and when we talk about economic basis we have got to assume something stable, and it is all very well to say we must build a house which is economic, meaning thereby that the income it is possible to draw for the rent of that house will pay for the capital expenditure. We then come back to the question what is going to be the basis of wages for the people who will occupy these houses? We fine down and get away from the undergrowths and we find the proposition in the mouths of the Farmers' Party. We find it must be the basis of the rate of wages which agriculture can pay to its labourer.

**Mr. HEFFERNAN:** I only said that in regard to rural districts, not in regard to towns.

**Mr. JOHNSON:** I quite understand that, but there are reactions if we fix

the price for the basic occupation, and if we fix the rate of wages paid to road workers, on the foundation laid for agricultural labourers and that of the town workers on the foundation laid for road workers we very soon find that the ultimate on which this accretion falls is the rate paid by the agriculturist. But what is the case made by the agriculturists? What do they base their wages upon? Will they contend that they can afford to pay 25/- for labour to-day? Will they contend that they can afford to pay 28/-? Is it not that they are paying their present wages because they can get men to work for these wages, that men for fear of unemployment and for fear of hunger are compelled to work for these wages—

**Mr. HEFFERNAN:** Agriculture is paying more than the industry will yield. The agriculturist is drawing on his capital to pay 25/-.

**Mr. JOHNSON:** Exactly. It is not what the industry will bear, that is fixing the wages for agriculture. Industrialists for the moment, when they want to make the point and force reductions, say we can only pay what the industry will bear. Agriculturists say they cannot bear it—and when they are paying, £1, 25/-, 28/- and 30/- they are paying labour the price for which they can get it, and they are paying only the price that will induce men to work for. All right! I want to remind the Dáil of the very important fact that the Dáil will have to bear this in mind in its considerations of this and cognate problems.

We have deliberately for public policy decided that the agricultural land of the country shall be owned by the farming occupiers of the country, with the result that one-third of the population is dependent either upon employing other people or being employed by other people—landless men. This one-third of the population is to compete for the sale of its labour. They cannot fall back again on what they produced from the land. There is no ultimate reserve in the land for them; therefore, they are obliged to combine to get the best price they can out of their labour or, and this is the alternative I put to the Dáil, they must look for some social security for their

[Mr. Johnson.] livelihood. They must look for security, and that security can only be found in common agreement by the community that they will be sustained in their livelihood. That is probably agreed to. Well, then, the question arises what is the standard at which you are going to maintain them, what is the minimum upon which you are going to base their livelihood? The farmers say they cannot afford to employ out of the industry; that they are living upon capital. That is a temporary phase we are told. I suggest that it would be well to look forward to the probability that the prices for agricultural produce in the chief markets are not likely to rise. Well, then, for the agricultural labourers, who are unemployed, I put it to the Government for their very careful consideration whether the logic of the situation does not compel them to provide at least access to sufficient land for the agriculturalist to enable him to live upon his produce as the ultimate basis of security.

The road workers' case then is going to be dealt with on the assumption that the agricultural labourers wage is to be the determinant as to the rate of pay to be given to the road workers. The circular that was sent out by the Ministry of Local Government strikes me, and I speak quite deliberately, as about the worst emanation from a Government Department dealing with economic affairs that ever I have seen or heard of. It begins by quoting the statement of the Minister for Defence, and saying that the proposed schemes that he had mentioned would not be conducted in the manner that would raise or keep prices of wages above the nominal level at which they should fairly stand at the present time. Who is to judge what that level should be, deponent saith not. Then we have this Department, on that as a text, telling the County Councils that there was no chance of their getting any assistance for remaking or for the reconstruction of the roads on the scheme which is to employ demobilised men, and others not normally working at the roads, and that they must, and this is made a condition, cut the wages of the ordinary road workers. They have the

audacity to say that the inferior condition into which the main roads of the country have fallen is admittedly due to the totally inadequate return obtained in recent years from the money expended on their upkeep. It may be that road men have been paid wages and have done no work. That may be alleged, but we have heard in this Dáil that the roads have been destroyed by abnormal conditions, and we know that men have been prevented by the action of the party and of the people for whom the Government now speak, from repairing these roads; that men have been held up for months and months and that work on the roads has been stopped for two or three years past.

Then the Local Government Department has the audacity to write to the County Councils and tell them that the state of the roads is admittedly due to the inadequate return for the money expended. They are informed that the existing rates of wages must be reduced and the present privileged character of road labour reviewed. There is no discrimination. That circular is sent to every County Council, every Urban Council and every County Borough. The County which pays 28/- receives it just as well as the County that pays 45/-. The desire to "level," which the President expressed, is voided. All they require is to reduce. "No matter what you are getting now, reduce it," thus maintaining the difference between the higher and the lower rates. It is contended that the wages for the ordinary road workers must be cut, so that the work of reconstruction of roads may be done at a lower cost and so that demobilised men, for whom Deputy O'Mahony so eloquently spoke, should be employed at "cut" wages. Deputy O'Mahony asks for fair consideration. He suggests that honour should be given to demobilised soldiers. I suggest that it is no honour to ask them to cut into the rates of wages paid to their brethren who did not go into the army but who assisted them in many other ways. I say that it is a scandalous suggestion, unworthy of a Government that pretends to be friendly to the workers and to honour the soldiers that are being demobilised.

The proposition that wages in the building trades must be reduced is made seriously and in the hope that a response will be given. If it is simply cutting wages, then there will be no response from me at any rate. I believe—and I repeat what I said previously on this matter—that it should be a small thing for any body of men, capable of organising their own business, to take even ten thousand of the thirty thousand odd men throughout the country who are engaged in the various operations of construction, unify them in a body, associated with directors of that industry, and propound a scheme that will ensure employment. There is no use going to workmen in the building trade and saying “Cut wages” unless you can at the same time say “Here is permanence of employment for a period of say five years.” You need not take the weekly wages in the building trade. If you want to understand something of the effect of wages increases or wages reductions upon the lives of the workers in those trades, you have got to look at their annual income, taking into account broken time and all the rest. I say it should be possible if there was good-will—I certainly believe it is possible from the workmen’s side—to enter into an understanding on the basis of continuous employment. Then you could appeal with some hope and heart to the men to increase their output, to give a better return and to cease the slackness that inevitably comes to men when they are expecting to be paid off a job. Approach the men in the building trade with a promise of permanence of employment, not under one employer necessarily but by a proper association of all the factors entering into the production of houses and I have not the slightest doubt that you will get the response you wish for and that the workers’ houses will be built more quickly, more cheaply, and perhaps, with suggestions for better design. The men would enter into the spirit of the operation, but it depends upon this assurance of employment. It is astonishing to me that the employers of this country have not attempted to consider this problem from any point of view except that of the cutting of wages.

They complain of slackness, of lack of interest, and of failure to respond to the needs of the community, and they make no effort to reorganise their own industry, to improve their own methods, or to approach the problem from the point of view of the workman’s life, which is bound up with his industry. I say until you do that you are not going to get any satisfaction out of the proposals that have been put forward.

The President has suggested certain cuts in wages. I wish he would be a little more precise and tell us whether he means these cuts should be on the Dublin rates, the Cork rates, the Limerick rates, or the Wexford rates. Is it again to be the proposition that there should be a percentage rate, no matter what wages are being paid to-day? These are some of the questions that immediately arise when you are dealing with a national problem, and not with a local problem. The President has made suggestions that, conditional upon a certain hoped-for agreement which entails the cutting of wages, moneys will be forthcoming to assist in the building of houses. So far as that goes one must be thankful, but it does not go very far. These suggestions have been hinted at before, but we have had no definite proposals put forward, and we are still expected, I presume, to meet employers without any further suggestion than that of cutting wages. I do not know whether it would be complained that the hands of the Government have been forced and that they did not desire to state their policy on this matter until it had been ripened somewhat, but I would like, before it had been made, that they had been a little nearer some understanding, because it seems to me that both the circular of the Minister for Local Government and the statement of the President rather partake of the nature of a threat. It suggests to unemployed men: “We know you are unemployed, we know you have no insurance to fall back upon, we know you are hungry, and we are going to take advantage of your necessity to bring down, not only your own rate of wages, but the rates of wages of your more fortunate fellow-

[Mr. Johnson.] workmen." I am afraid it will be received as having been uttered in the nature of a threat. The whip of hunger is being used deliberately and openly by the Government of the day to drive down the rates of wages.

But one has to bear in mind that while road-work is probably, and, I think, certainly the most valuable work that could be done as emergency work, to employ the largest number of unskilled men, there will be large numbers of skilled men in other trades that are not going to be benefited by either of these schemes. I am led to make a remark regarding the bottle-making industry, which both Deputy Byrne and the President referred to. It may be news, but it is a fact, that the company in Ringsend that make bottles by machinery is quite able to compete with imported English bottles. It cannot compete with bottles imported from Germany, and it has applied for, but has not received, the assistance which would have enabled it to carry on business for the last three or four months. It has not received protection against dumping, though it has applied and has made definite proposals in that respect. The end of it has been that this firm of manufacturers, with £100,000 worth of machinery, has had to go into the merchandising business itself by purchasing German bottles and selling them in Ireland to its customers. I do not know how far that is typical of many other industries, but certainly, if the information I have received from the people affected is true—I have the utmost confidence in their statement—it certainly has meant the disemployment of 300 men in the Ringsend district.

I cannot help saying that the Government has not approached this problem as it would have done had there been a military necessity where the resources of the State would have been mobilised for the defence of the State. I say that the civil interest is of equal moment, and I am going to say now that I believe the cant that is talked from all sides about the dole is entirely unjustified. Uncovenanted benefit may not be pleasant. I never hear from employers, merchants, and farmers that overdrafts from banks or

public loans are demoralising, and uncovenanted benefit is nothing more than an overdraft from the State to keep men and their families from hunger. I stand for the dole, but I put this condition, and always have put it, that you have a right either to maintain your citizens or offer them reasonable employment. If you cannot offer them that employment you have a right to maintain them, and I guarantee if you make that condition you will find means very much quicker for utilising the unemployed labour of the country. The dole which is so much derided has, of course, had unfortunate consequences because the right condition of alternative employment has not been given. The Dole saved England from premature revolution and, maybe, if something satisfactory is not done here, the absence of the Dole will cause revolution. Unemployment insurance was changed on the distinct understanding, certainly on the distinct hope and expectation, that the normal amount of employment would be available in this country by October and that the normal unemployment fund would meet the ordinary cases of want. That hope has not been fulfilled. I trust that any efforts which the Government are making will remove the necessity for the revival of the uncovenanted benefit. I do not see very much chance of the promises that have been made being fulfilled even if ten or fifteen thousand men are employed on those various schemes. I do not see what is to become of the other 30,000 without something in the nature of uncovenanted benefit. There is no suggestion of a provision to ensure that the volume of actual trade, that is to be done on productive operations, is going to be increased by the employment of road labourers and house builders. I think the proposals of the Government, extensive as they may seem, are not going to be sufficient to remove the distress caused by unemployment. I think that the line the Government is taking, making it a condition of any of these proposals that there should be wage cuts without any guarantee of more employment, is a false line to take, and it will lead to disaster. I see very little hope in it, and I hope that there will



be much more consideration of the problem before the Government says that this is its final word on the matter.

**The PRESIDENT:** I must say that I neither saw nor heard of that letter

from the Ringsend Bottle Company to which Deputy Johnson alluded.

Question put.

The Dáil divided: Tá, 13; Níl, 44

Tá.

David Hall.  
Tomás Mac Eoin.  
Risteárd Mac Fheorais.  
Pádraig Mac Fhlannchadha.  
Tomás de Nóglá.  
Tomás O Conaill.  
Aodh O Cúlacháin.

Eamon O Dubhghaill.  
Domhnall O Muirgheasa.  
Tadhg O Murchadha.  
Seamus Eabhróid.  
Ailfrid O Broin.  
Seamus O Murchadha.

Níl.

Séamus Breathnach.  
Seoirse de Bhulbh.  
Próinsias Bulfin.  
Louis J. D'Alton.  
Patrick J. Egan.  
Henry J. Finlay.  
Desmond Fitzgerald.  
John Hennigan.  
Domhnall Mac Cárthaigh.  
Liam T. Mac Cosgair.  
Pádraig Mac Giollagáin.  
Seán P. Mac Giobúin.  
Seoirse Mac Niocaill.  
Liam Mag Aonghusa.  
Martin M. Nally.  
John T. Nolan.  
Peadar O hAodha.  
Cristóir O Broin.  
Seán O Bruadair.  
Próinsias O Cathail.  
Aodh O Cinnéide.  
Seamus N. O Doláin.

Earnan de Blaghd.  
Mícheál O Dubhghaill.  
Peadar S. O Dubhghaill.  
Pádraig O Dubhthaigh.  
Aindriú O Láimhín.  
Seamus O Leadáin.  
Andrew O'Shaughnessy.  
Seán Priomhdhail.  
Liam Thrift.  
Seamus de Búrca.  
John Good.  
Seán Mac Giolla 'n Ríogh.  
Eoghan O Dochartaigh.  
Eamon S. O Dugáin.  
Seán O Duinnín.  
Mícheál O hÍfearnáin.  
Fionán O Loingsigh.  
Thomas O'Mahony.  
Pádraic O Máille.  
Risteárd O Maolchatha.  
Pádraig O hOgáin (Gaillimh).  
Caoimhghín O hUigín.

Motion declared lost.

## THE ADJOURNMENT.

### POSITION OF RESIGNED AND DISMISSED R.I.C.

**The PRESIDENT:** I move the adjournment until January 10th, at 3 o'clock. I suppose it will be in order to wish Deputies a very happy Christmas.

**AN CEANN COMHAIRLE:** There is one matter which Deputy Johnson wishes to raise.

**Mr. JOHNSON:** I will not delay the Dáil for more than a minute. I wish to ask the Minister for Finance if he is ready to lay the Regulations respecting the resigned and dismissed R.I.C. men's compensation upon the table. He promised, I think, on the 4th instant, that within a few days they would be made known but that has not yet been done. I do not desire that the Dáil

should leave until we know exactly where we stand in regard to the matter.

**Mr. BLYTHE:** Before it becomes operative the Order will have to be laid before both Houses and must be approved by Resolution of the Dáil which must consider any recommendations previously made by the Seanad. I had a Conference, I think, the day before yesterday, at which all the points which remained outstanding were agreed to. The Order is now being drafted and will be ready in two or three days. I will have it laid before the Dáil immediately on re-assembly and I will have it laid before the Seanad before that, because I understand that it is likely that the Seanad will meet in the New Year sooner than the Dáil. I think almost immediately after the Dáil re-assembles it will be possible to deal with it.

**Mr. JOHNSON :** Is that the usual method, that an Order must be voted upon or is it an Order that will lie awaiting any action to be taken by the Dáil and Seanad; it is quite a new procedure, the idea of Orders that have to be voted upon.

**Mr. BLYTHE :** I have not the Act by me, but I am pretty sure that it is one that has to be voted on. That is my impression.

**Mr. JOHNSON :** Apart from that, could anything be done for these men in the meantime, as the Minister ad-

mitted the other day that there was great distress amongst them, and this is the holiday season? Could he bank on the faith that this Order will be accepted, and pay something on account?

**Mr. BLYTHE :** I am afraid not. .

**Mr. JOHNSON :** Then the distress may continue?

**Mr. BLYTHE :** I am afraid that it is impossible to do anything.

The Dail adjourned at 8.58 p.m. until 3 p.m. on January 10th, 1924.

## APPENDIX.

# OIREACHTAS EIREANN.

DE CEADAIOIN, 3adh DEIRE FOGHMHAIR 1923.

(WEDNESDAY, 3rd OCTOBER, 1923.)

## TUAIRISG OIFIGIUIL.

(OFFICIAL REPORT.)

ORÁID O'N t-SEANASCAL

(ADDRESS BY GOVERNOR-GENERAL.)

Tháinig Oireachtas Eircann le chéile ar 2.15 p.m. Bhí Mícheál Ò hAodha (Ceann Comhairle Dháil Eircann), 'sa chathaoir.

**AN CEANN COMHAIRLE:** Iarraim anois ar an Oifigeach Teangmhála an Seanascal do thabhairt isteach. I now ask the Officer of Communications to introduce the Governor-General.

**HIS EXCELLENCY THE GOVERNOR-GENERAL** then entered (the Ceann Comhairle and the assembled Deputies and Senators rising in their places) and delivered the following speech from the Dais:—

1. I greet you, Members of Oireachtas Eireann, assembled here after the first election by the people since the enactment of the Constitution which enshrines the authority and the powers entrusted to you. Your first Session under that Constitution was one of arduous labour for the building up of the State on secure foundations, and charged 'as I am by His Majesty to associate myself as his representative in your task of Government, I look forward to the labours on which you are now entering, full of hope that your efforts may bear ever-increasing fruit for the welfare of our country.

2. The most notable, as it is one of the most pregnant, of recent events in our history has been the entry of the Irish Free State into Membership of

the League of Nations with the unanimous assent of all the States' members and amidst the enthusiasm of their assembled representatives. The visit of your Delegation to Geneva will herald the revival of the ancient associations of this Nation with the other peoples of the world, will enhance our national prestige, and will enable our people to contribute in no small degree to the maintenance of world-peace.

3. Now, a further Conference of Nations has called for your participation, a conference of the States constituting that Confraternity of Nations with which, by virtue of your Treaty with Great Britain, you have become more closely associated. The representatives of your partner States have already accorded to your representatives a generous and whole-hearted welcome which promises a friendly helpfulness in consultation upon problems of common interest.

4. Your past Session was necessarily devoted to a large extent to the enacting of legislation complementary to your Constitution in order to supply the details of the political organisation of the State. The principal one of these measures was the Electoral Act, by which you have brought every adult citizen of the Saorstát into actual participation in the responsibilities of Government and cleared the way for all to play their respective parts and to discharge their duties in the ordering

of the life of the Nation. Further measures are necessary to complete our national institutions and to translate into realisation the desire of our citizens for national re-organisation and development. Amongst the measures to be submitted to you will be one providing for the organisation of the great departments of State, the distribution of their functions in a manner calculated to bring about greater efficiency in administration, and the regular Constitution of the Ministries charged with the administration of the various Departments of Government.

5. The Constitution made provision for long-desired reforms in the administration of law and justice. A measure has accordingly been laid before you for the establishment of a judicial system in conformity with the needs of our people, to which your urgent and earnest consideration is asked. Further measures in pursuance of the same object will also be presented to you, including provisions for the reciprocal enforcement of judgments and judicial orders as between this country and the other members of the British Commonwealth in the interests of mutual accommodation in matters appertaining to the administration of justice.

6. Time and opportunity in the past Session did not permit of any but temporary provision being made for a Civil Police Force, and for the Military Defence Forces. Your Gárda Síochána has already grown into an institution which has won the confidence of the people. A Bill will be introduced to give it permanent form and to better define its powers as a Civil Police Force for the protection of public peace and security outside the Metropolitan area.

7. Your Military Defence Forces are passing through a transition period after a struggle in which their gallantry rescued the Nation from chaos. As befits soldiers of the people, they now await the devising by you of their future constitution and establishment, for which purpose a comprehensive measure will be laid before you.

8. Emergency measures were found necessary in the past Session to deal with the existing state of armed rebellion which was, and to some extent still

is, supported by crimes of violence and disorder, and to make possible the transition which is happily taking place to normal conditions.

We acknowledge with gratitude the services of the various arms of National defence in putting down the cruel campaign waged against the people. We bear testimony also to the civic spirit which has borne with becoming fortitude the trials inseparable from that campaign. It is our earnest prayer that those persons who have been guilty of crimes against their country in an attempt to defy and over-ride the expressed will of the Nation, and without regard to life, property, or National honour, may be brought to a realisation of their responsibilities and that, desisting from their work of evil, they may apply their energies towards the reparation of the damage they have caused and the restoration of the Nation's resources which they have so sadly depleted.

9. A number of persons is at present detained for reasons of public safety. It is the general hope and prayer that the necessity for seeking extraordinary powers will disappear and that, with a return of goodwill and civic sanity and tolerance of differences of opinion, it may be found compatible with public security gradually to release the majority of those persons.

On your Government, however, devolves the responsibility of protecting the citizens of Saorstát Éireann from any renewal of disturbance or destruction, and they will, should occasion demand, ask your sanction for such legislation as may from time to time be found necessary.

10. The problem of unemployment which confronts us has had the special consideration of your Ministers. They are confident that with stable conditions, enterprise will find many opportunities in this country. Developments are at present hampered by disagreements between employers and employees, to the loss not only of those directly concerned but of the general community. It must be recognised that the conditions of the time prohibit the maintenance of the inflation caused by the European War and artificially prolonged by our domestic strife. High-

prices, high profits and high wages can no longer be sustained by a country whose economic life has agriculture as its base and foundation. Those engaged in the production and sale of essential commodities must realise their responsibilities to the general consumer, and your Ministers will vigilantly scrutinise the discharge of this responsibility in the coming winter. A recognition of facts is of the first necessity if industrial friction is to be allayed. Such recognition alone will enable measures to give effect to various proposals for the absorption of labour on constructive work which are being examined to be laid before you. In particular, it is hoped that it may be possible to proceed with the reconstruction of the roads and to make provision for a larger scheme of housing. The legislation you have passed for compensating the owners of destroyed property has been so framed as to encourage expenditure on construction, and it is anticipated that the restoration of damaged or destroyed buildings will soon be generally begun. You will in due course be recommended to make such use of your fiscal powers as close and dispassionate enquiry shows to be best calculated to promote and diffuse prosperity. The practicability of these measures and their ultimate success depend on the co-operation of all parties, and on the sub-ordination of their private interests to the common good. The resources of the Nation are limited and the needs of many of its members great. In such circumstances your Ministers rely with confidence on a fair share of all present burdens being taken by each citizen to the full measure of his or her energy and powers.

11. The reorganisation of our railway systems has for a considerable time exercised the minds of your Ministers and of those charged with the management of the railways, and it is hoped that it may be possible during the present Session to submit proposals calculated to enhance the efficiency of that important service and to reduce its cost.

12. Urgent necessity exists for the enactment of laws relating to merchant shipping and for the adaptation and

consolidation of existing legislation, and a measure relating to this important subject will be submitted for your consideration.

13. The problem of land tenure, that great and, as it seemed, perennial obstacle to the economic development of Ireland, has been finally disposed of by the Land Law Act, which alone would have made your past Session notable. That Act makes generous provision for the completion, with the financial assistance of the State, of land purchase, and will secure to the agricultural community enjoyment to the full of the fruits of their toil. It will bring relief to the occupiers of uneconomic holdings and enable them to order their lives and bring up their families in reasonable comfort and security. The execution of the provisions of that Act will be an immediate charge of your newly-appointed Ministry.

14. The encouragement and development of agricultural industries next claim consideration. If existing markets are to be held and made more profitable and new markets opened up, and if the depression which has overtaken agriculture generally in Europe is to be combatted, such measures, with these objects in view, as due and competent consideration may suggest and as are compatible with the economic conditions of the country, will be submitted to you. At an early date your attention will be asked for a Bill for the establishment of a National Brand for butter of high standard, a Bill for regulating the methods of grading eggs and for licensing merchants engaged in that business, as well as a Bill for the improvement of the breed of cattle. You will also be invited to consider a Bill for enabling local authorities to provide land for allotments in urban districts, and a Bill to promote afforestation.

15. The future development of local government administration has been receiving most careful consideration. At a later stage it is proposed to introduce comprehensive legislation to ensure that the work of local authorities may be conducted more effectively

and expeditiously and with economies suited to the resources of the rate-payers.

16. Certain necessary legislation dealing with the regulation of Public Holidays, particularly in relation to Elections, with the dates of Local Government Elections, the date of the Revision of the Registers of Voters, the preparation of Jurors' Lists, the collection of Local Rates which have fallen into arrears, and the initiation, maintenance and management of Drainage Schemes, will also be laid before you.

17. The protection of inventions will form the subject of legislation, already promised, which will be introduced in the present Session, for the establishment of a Patent Office and for the Registration of Trade Marks and Designs. A measure will also be presented to regulate the copyright of original works and publications.

18. A Bill codifying and amending the law relating to the supply of Electrical Power and Lighting is in course of preparation.

19. You will be asked to consider proposals for the regularising of Commissions of Enquiry and the definition of their powers with a view to the facilitation of their proceedings.

20. Measures to improve the law relating to the sale of intoxicating liquors are under consideration, and it is hoped that legislation on this matter will be laid before you before the conclusion of the present Session.

21. The various problems connected with education are being closely studied. Many of the widely-demanded reforms in the existing educational systems can be effected by administrative action, and this is being done as far as possible. Legislation is, however, necessary on certain matters, as, for instance, school attendance, the re-

organisation of secondary education, the co-ordination of the present disjointed systems, and the provision of medical and dental treatment for school children. Measures dealing with these problems are under consideration and will in due course be presented to you.

22. Estimates of the sums required for the service of Saorstát Éireann for the year ending 31st March, 1925, will be laid before Dáil Éireann in due course, and in accordance with the provisions of your Constitution, and will require your most earnest consideration.

23. The losses and devastation wantonly inflicted on the country dictate a policy of the most rigid economy in every sphere of national life. Your Ministers feel bound to urge not only on every department of State but on every citizen the compelling necessity of husbanding our resources, avoiding waste, and extracting the utmost value from every public and private expenditure.

24. Proposals will be submitted to provide for the repayment of monies borrowed at home and abroad for national purposes leading to the establishment of Saorstát Éireann—a matter which has been the subject of public guarantees—and in this connection to bring the surplus assets of the several loans into account in ease of such national obligation to make such repayment.

25. MEMBERS OF OIREACHTAS ÉIREANN, it is my earnest prayer that in the labours upon which you are now entering, you may be guided by Divine Providence in the discharge of your task and that your deliberations may redound to the credit, the prosperity, and the peace of our country.

**AN CEANN COMHAIRLE:** The Joint Sitting is now concluded.

# INDEX

TO

# DÁIL EIREANN

## DEBATES

### [OFFICIAL REPORT]

### VOLUME V.

COMPRISING PERIOD FROM 19TH SEPTEMBER, 1923, TO 14TH DECEMBER, 1923, IN THE SESSION BEGINNING 19TH SEPTEMBER, 1923.

#### ABBREVIATIONS.

Bills: First Stage=1 S.; Second Stage=2 S.; Third, or Committee Stage=3 S. or Com. S.; Fourth, or Report Stage=4 S. or Rep. S.; Fifth Stage=5 S. Amendment=Amendt. Adoption=Adpt.

#### Abatements

Land Act, 1923, 622.

#### Account Against Army

Athlone (case of J. Campbell), 1816.  
 Athlone (case of J. Grenham), 1937.  
 Athlone (case of Milligan & Co.), 1276.  
 Ballinasloe (bicycles), 1275.  
 Ballycumber (case of Mrs. A. Flynn), 720.  
 Bunclody, Wexford (case of Carton), 996.  
 Castlereagh (case of Messrs. Glavey), 351.  
 Charleville (case of Messrs. Cahill & Kelleher), 1723.  
 Cork (Harbour Board), 1581.  
 Cork (motor vehicles, etc.), 1275.  
 Drimoleague (various), 1190.  
 Drimoleague (case of T. J. Beamish), 1478.  
 Droichead Nua (case of A. Browne), 452.  
 Dublin (Portobello) (case of W. Wogan), 545.  
 Dunmanway (case of M. J. Howley), 906.  
 Dunmanway (various), 1190.  
 Dunmore, Co. Galway (case of P. J. Flattery), 996.  
 Durrow (case of Messrs. Mercier), 1589.  
 Ennis (case of W. Meehan), 1189, and (J. Kerin), 1190.  
 Ennis (case of various traders), 718.  
 Gort (case of J. O'Donohoe), 1276.  
 Kildare (case of L. Berns), 907.  
 Kildare (case of J. Higginbottom), 813.  
 Kilrush (case of Mrs. B. Dunne), 1590.  
 Letterfrack (case of T. Curley), 1379.  
 Longford (case of A. Farrell), 1816.  
 Longford (motor cars), 1273.  
 Maynooth (case of J. Fulham), 452.  
 Meelick (case of T. Duane), 1190.  
 Mullingar (case of Fallon & Son), 1277.  
 Naas (case of W. Gaul), 1615.  
 Navan (motor hire), 1474.  
 Nenagh (gas and electricity), 1937.

#### Account Against Army—*contd.*

Tralee (case of D. McMahon), 1475.  
 Wexford (case of Messrs. Sinnott), 1589.  
 Woodford (case of P. Casey), 1378.  
 Woodford (case of J. MacMihon), 1276.  
 Youghal (case of P. Morrissey), 1277.

#### Accounts against British Auxiliary Forces

Killaloe, 1471.

#### Account Against Civic Guard

Kildare (case of L. Berns), 903.

#### Accounts Against Provisional Government Forces

Payment of, 1272.

#### Account Against Volunteers

Scariff (case of J. O'Donohue).

#### Accounts, Committee of Public

Proposed appointment of, 1715.

#### Acquisition of Land for Division

Ballymore and Moate, 1723.

#### Acting-Chairmen (or Temporary Cinn Comhairle) (See also Nicholls, G.; Cooper, Bryan R., and Ceann Comhairle and Leas-Cheann Comhairle Rulings of),

Appointment of Acting-Chairman, 907.

#### Address of Governor-General

Resolution of Thanks, 151.

#### Address of Governor-General to Meeting of Oireachtas (See Appendix at end of volume)

#### Administration

Control of Local, 1373.

#### Agricultural Commission Report

Circulation of, 901.

#### Agriculture

Minister for: Appointed, 627.

19th Sept.—14th Dec.

**Agriculture—cont.**

Presentation of Annual Report of Dept. of :  
Privilege of Dail, 1087.

**Alleged Ill-treatment of Civilian**

Carlow (case of J. Donnelly), 1618.

**Alton, Ernest Henry**

Civil Service Regulation (No. 2) Bill, 1923 :  
Com. S., 1244.  
Courts of Justice Bill, 1923 : Com. S., 333-4.  
Courts of Justice Bill, 1923 : Com. S., 400,  
402.  
Election of Leas-Cheann Comhairle, 82.  
Ministers and Secretaries Bill, 1923 : Com. S.,  
1494.

**Amalgamation Scheme**

Gort District Council, 1814.

**Ammunition (sporting)**

Supplies of, 142.

**Annuities**

Reduction of :  
Re-instated Tenants on Clanricarde Estate,  
1264.

**Anti-Treaty Deputies**

Position of (Adjournment Debate), 20.

**Appeal Tribunal**

(British Pensions) : Particulars, re, 130.

**Appeals from Shaw Commission**

Awards, 1927.

**Appointment of Acting-Chairmen**

(or Temporary Cinn Comhairle), 907.

**Armistice Day Celebrations : (and National Army), 994.****Arms**

Carrying of by Soldiers off duty, 1379.  
Seized by Volunteers, pre-Truce :  
Restoration of, 1377.

**Army**

Account against :  
Athlone (case of J. Campbell), 1816.  
Athlone (case of J. Grenham), 1937.  
Athlone (case of Milligan & Co.), 1276.  
Ballinasloe (bicycles), 1275.  
Ballycumber (case of Mrs. A. Flynn), 720.  
Bunclody (Co. Wexford) (case of Carton),  
996.  
Castlereagh (case of Messrs. Glavey), 351.  
Charleville (case of Messrs. Cahill &  
Kelleher), 1723.  
Cork (Harbour Board), 1581.  
Cork (motor vehicles, etc.), 1275.  
Drimoleague (case of T. J. Beamish), 1478.  
Drimoleague (various), 1190.  
Drogheda Nua (case of A. Browne), 452.  
Dublin (Portobello), (case of W. Wogan), 545.  
Dunmanway (case of M. J. Howley), 906.  
Dunmanway (various), 1190.  
Dunmore, Co. Galway (case of P. J.  
Flattery), 996.  
Dunrow (case of Messrs. Mercier), 1589.  
Ennis (case of W. Meehan), 1189; (and  
J. Kerin), 1190.  
Ennis (case of various traders), 718.  
Gort (case of J. O'Donohoe), 1276.  
Kildare (case of L. Berns), 907.

**Army—cont.****Account Against—cont.**

Kildare (case of J. Higginbottom), 813.  
Kilrush (case of Mrs. B. Dunne) 1590.  
Letterfrack (case of T. Curley), 1379.  
Longford (case of A. Farrell), 1816.  
Longford (motor cars), 1273.  
Maynooth (case of J. Fulham), 452.  
Meelick (case of T. Duane), 1190.  
Mullingar (case of Fallon & Co.), 1277.  
Naas (case of W. Gaul), 1615.  
Navan (case of J. Malone), 1474.  
Nenagh (gas and electricity), 1937.  
Tralee (case of D. McMahon), 1475.  
Wexford (case of Messrs. Sinnott), 1589.  
Woodford (case of P. Casey), 1378.  
Woodford (case of J. McMahon), 1276.  
Youghal (case of P. Morrissey), 1277.  
Alleged ill-treatment of civilian by : Carlow  
(case of J. Donnelly), 1618.  
Arrears of pay of Newbridge Soldier (case of  
Pte. J. McCarthy), 621.  
Barrack furniture transferred, 175.  
Civilian Employee's claim against : Newbridge  
(case of S. L'Amie), 178.  
Claim against for soldier's pay (case of  
P. Magee, Ballymore-Eustace, 451).  
Claims against by River Slaney users, 1581.  
Compensation claim against, for shooting of  
Civic Guard (case of late M. Lyons, Bel-  
turbet), 1381.  
Compensation claim against : Cashel (case of  
J. Ryan), 1191.  
Compensation (for wound) claim against  
(case of Pte. P. Doyle, Kilkullen), 1189.  
Compensation claim against : Rathmines  
(case of N. H. Walsh), 276.  
Compensation claim against, for shooting of  
a civilian : Roscommon (case of late  
P. Barrett), 1274.  
Corps of Engineers : transfers from Rail-  
way Protection Corps, 724.  
(Demobilised ex-National) Men : Unemploy-  
ment Benefit in Six Counties, 1930.  
Dependents' Allowances : Ballivor (case  
of W. McKeon), 995.  
Dependents' Allowances : Ballivor (case of  
Mrs. J. Kiernan), 1188.  
Cork (case of Pte. T. Martin), 725.  
Deansgrange (Co. Dublin (case of Mrs. C.  
Griffin), 817.  
Dunmanway (case of Mrs. E. Donovan),  
1816.  
Engineering Corps (case of Vol. Sherlock),  
1937.  
Harristown, Co. Kildare (case of P. Allin-  
son), 1614.  
Railway Protection Corps, 723.  
Timoleague (case of Mrs. E. Long), 1815.  
Wicklow (case of Mrs. A. Nolan), 1936.  
Claim for Pension (case of late Pte. C.  
Tracey), 433.  
Dublin meat contracts for, 177.  
Officers : Demobilisation of and provision for,  
716.  
Officers demobilised : grants for, 1615.  
Officers : pay and allowance of, 715.  
Pensions' Act, 1923 :  
Applications under, 147.  
Claim for Wound Pension (case of Pte.  
Cleary, Naas), 1377.  
Claims of injured I.R.A. members, 1617.



19th Sept.—14th Dec.

**Army—cont.****Pensions Act, 1923—cont.**

- Claim : Miltown-Malbay (case of P. Considine), 1190.
- Compensation claim (pre-Truce) : Mullingar (case of J. Mulkearns), 817.
- Pension claim : Naas (case of J. Bracken), 906
- Pension, claim for : Naas (case of P. Gibbons), 997.
- Pension claim : Naas (case of late P. Roche), 906.
- Purchases by : Question of prices, 1580.
- Registration and identification of military motor vehicles, 77.
- Replacement of by Garda Síochána : Old-castle, 1473.
- Soldiers killed in Kerry : Burial of, 177.
- Touring cars (number, types and uses of), 1269
- Unemployment Insurance Benefit for ex-soldiers, 1271.

**Arrears**

- Of annuities and rents : payment of, 1932.
- Of income tax : (payment by instalments), 706.
- Of rent : collection of compounded, 1267-8.
- Of rent, and Land Act (1923) terms, 172.

**Arrest**

- And dismissal of Civil Servant (case of R. J. Johnson, 1576).
- and search, authority for (detective's card), 1929.
- Athboy (case of J. McCormack), 986.
- Dublin : N. King street (case of J. Healy), 178.
- Dungarvan (case of M. Condon), 905.
- Kilkenny (case of J. Baird, I.T.W.U.), 350.
- Newpark, Clare (Case of J. Barron), 452.
- Of Glasgow man (case of C. Frieze), 351.
- Prosperous, Co. Kildare (case of Jos. Ennis), 175.
- Trim (case of J. Clarke, J. Caffrey and P. Matthews, of Navan), 720.
- Waterford (case of James Baird, I.T.W.U.), 75.

**Assistant County Surveyors**

- Clare (increase of salaries), 1585.

**Assurance Company**

- City Life, and Irish policy-holders interests, 349.

**Asylum**

- Official's gratuity : Mullingar, 1278.

**Athboy**

- Arrest (case of J. McCormack), 986.

**Athlone**

- Account against Army (case of J. Campbell), 1816.
- Account against Army (case of J. Grenham), 1937.
- Account against Army (case of Milligan & Co.), 1276.
- Commandeered lorry (case of W. I. Jones), 453.
- Compensation (pre-Truce) claim (case of J. Grenham), 1927.

**Athlone—cont.**

- Compensation for pre-Truce Volunteer killed at, 1721.
- Lands, request for leasing for saw mills, 433.
- Shooting (accidental), question of compensation (case of J. Murray), 147.

**Auctions (Co. Wicklow)**

- Interference with (adjournment debate), 133.

**Auditor-General and Comptroller**

- Report of (query re), 1715.

**Auxiliary Forces (British)**

- Accounts against : Killaloe, 1471.

**Awards**

- Compensation (pre-Truce) claims : Clare, 1179.
- By Shaw Commission : Kilbeggan, delay in payment (case of J. J. McGuinness), 1809.
- By Shaw Commission (question of appeals against), 1927.

**Balla (Mayo)**

- Estate, division of, 443.

**Ballinagore (Westmeath)**

- Old Age Pension claim, 143.

**Ballinaloe (Co. Longford)**

- National School furniture destroyed (pre-Truce damage), 987.

**Ballinasloe**

- Account against Army (bicycles), 1275.
- Compensation (pre-Truce) claim (case of P. Killalea), 1810.

**Ballineen (Co. Cork)**

- Prisoners, release of (case of C. Keane and D. Crowley), 1935.

**Baltivor**

- Army dependents' allowances (case of W. McKeon), 995.
- Army dependents, allowances (case of Mrs. J. Kieran), 1188.

**Ballybay**

- Bicycle and camera seized (case of J. Ridge-way), 176.

**Ballycumber (Offaly)**

- Account against Army, 720.

**Ballykinlar**

- Compensation for Volunteers killed at, 1721.

**Ballymore and Moate**

- Acquisition of lands for division, 1723.

**Ballymore Eustace**

- Compensation claim (case of E. Grace), 429.
- Soldier, remuneration of (case of P. Magee), 451.

**Bandon**

- Old Age Pension claim (case of J. Trahy), 624.
- Postal facilities, 174.

**Barley Growing in Saorstát**

- Protection of, 78, 118, 453.

19th Sept.—14th Dec.

**Baronially Guaranteed Railways**

Dividends for past two years, 711.

**Barracks**

Furniture transferred from British authorities, 175.

Gárda Síochána, rent of: Kilkee, 1478.

**Barrow River**

Flooding of, distress caused by, 1721.

**Barytes Mines**

Closing of: Clonakilty, 1474.

**Baxter, Patrick F.**

Business of the Dail (debate on Governor-General's address), 689.

Cavan: Road administration, 1475.

Courts of Justice Bill, 1923: Com S., 521.

Dublin Corporation petitions to Dail, 1452.

Evicted tenants, claims of, under Land Act, 1265.

Foot and mouth disease, preventive precautions (adjournment debate), 1597.

Governor-General's address: debate on resolution of thanks, 1092.

Kilrush: commandeered premises, 1180.

Northern Boundary Commission (adjournment debate), 697.

Prisoners on hunger strike (adjournment of debate), 972.

Public Safety (powers of arrest and detention) Temporary Bill, 1923: 2 S., 1969.

**Beamish, Richard H.**

Com. to recommend Non-Executive Council Ministers, rep. of, 195.

Courts of Justice Bill, 1923: Com. S., 238, 317, 515, 517, 548.

Licensing (Renewal of Licences) Bill, 1923: 2 S., 211.

**Beauparc**

Compensation claim for bicycle commandeered (pre-Truce), 1616.

**Beds for Convict Prison Staff**

Portlaoighise, 450.

**Belfast Boycott**

Compensation claims, 1577.

**Belturbet**

Compensation for shooting of Civic Guard (case of late M. Lyons), 1381.

**Belvilly (Co. Cork)**

National Schools, repair of, 1586.

**Benefit**

Delays in payment of unemployment, 1374.

Unemployment Insurance: unstamped cards of discharged soldiers, 1380.

**Bhulbh, Seoirse de**

(See also Wolfe, George).

Ballymore Eustace compensation claim (case of E. Grace), 429.

**Bhulbh, Seoirse de—cont.**

Ballymore Eustace soldier's remuneration (case of P. Magee), 451.

Clane: volunteer policeman's pay, 1614.

Governor-General's address, debate on amendment to motion on, 1029.

Governor-General's address: debate on resolution of thanks, 634.

Kilcock: request for telephone facilities, 722.

Kildare rate collector's pension, 173.

Naas: account against Army (case of W. Gaul), 1615.

Naas: compensation claim (case of late P. Roche), 906.

Naas: pension for soldier's family (case of late Pte. C. Treacy), 433.

Naas: soldier's pension claim (case of J. Bracken), 906.

Naas: soldier's pension claim (case of P. Gibbons), 997.

Volunteer police debts (case of Messrs. Colbeck, Grehan, Gaul, Dowdall), 997.

**Bicycle**

And camera seized: Ballybay (case of J. Ridgway), 176.

Commandeered (Beauparc), compensation for, 1616.

Commandeered, Enfield (case of J. Ennis), 1378.

**Blythe, Ernest, Minister for Finance**

Appointment of Committee to recommend Non-Executive Council Ministers, 65.

Belfast Boycott: Compensation claims, 1577.

Board of Works local loans to farmers, 168.

Bonded spirits, monthly returns of stocks of, 1084.

British ex-soldier's pension, reduction of, 168.

Castlepollard (Westmeath) house burning, 141.

Civil Servant's arrest and dismissal (case of R. A. Johnson), 1576.

Civil Service Regulation (No. 2) Bill, 1923: 1 S., 455.

2 S., 740, 747.

Com. S., 1218 to 1237, 1247.

4 S., 1358 to 1362.

5 S., 1362.

Money resolution, 1164.

Civil Service Bonus, cut in, 547.

Civil Service bonus, revision of, 149.

Cleeves creameries, seizure of, 1811.

Coffee essence, embargo on, 812.

College of Science, occupation of, 811.

Commandeered premises: Kilrush, 1180.

Commandeered premises: Tullamore (rates due), 1928.

Compensation claims against British and R.I.C. (in 1920-21 period), 1083.

Compensation claim:

Ballymore Eustace (case of E. Grace), 429.

Cootehill (case of T. Godfrey), 272.

Dunmanway (case of Mrs. A. Gray), 902.

Mullagh, Clare (case of E. Burke), 1929.

Burning of Scariff Workhouse, 703.

Compensation (Ireland) Commission (pre-Truce losses caused by I.R.A.), 1373.

Compensation (pre-Truce) awards: Clare, 1179.

Compensation (pre-Truce) Claims:

Athlone (case of J. Grenham), 1928.

Ballinasloe (case of P. Killelea), 1810.

19th Sept.—14th Dec.

**Blythe, Ernest—cont.**

- Compensation (pre-Truce Claim—*cont.*)  
 Ennis, 1479.  
 Kilrush (case of M. Crotty), 1577.  
 For malicious injuries (case of J. & M. Flaherty), 1577.  
 Whitegate, Co. Clare (case of R. Lucas) 1928.  
 Courts of Justice Bill, 1923 :  
 Com. S., 417.  
 Re-committed, 1283 to 1296, 1304–5, 1310, 1312.  
 4 S., 1351, 1357.  
 Croom District Council, complaint re medical officer, 174.  
 Curragh deputy-ranger, 1472–3.  
 Curragh, management of (salaries of rangers, etc.), 983.  
 Customs arrangements : Dun Laoghaire, 1263, 1710 to 1714.  
 Customs clearing facilities at the ports, 705.  
 Customs facilities, Greenore, 703.  
 Customs : imports dutiable traffic at Greenore, 1261.  
 Dáil Eireann Loans and Funds Bill, 1923 :  
 2 S., 1824–8.  
 Business of the Dáil, 1481–2.  
 Deceased D.M.P. constable's dependents (pre-Truce case), 546.  
 Decree, payment of : Tullamore (case of J. Healion), 183.  
 Donegal-Derry border, traffic regulations, 1611.  
 Dublin destroyed property—rebuilding of O'Connell Street, 73.  
 Dun Laoghaire Pier : Luggage examination, 1612.  
 Election officials, payment of : Mayo, 1476.  
 Financial situation, statement on (debate on Governor-General's address), 661, 688, 689.  
 Food and drugs, appointment of inspectors of, 73.  
 Garda Síochána Barracks, Kilkee, payment of rent of, 1478.  
 Garda Síochána, commandeered premises for : Fermoy, 1718.  
 Governor-General's address :  
 Debate on amendment to motion, 797, 870.  
 Debate on (statement on financial situation), 661, 688, 689.  
 Housing : assistance for private builders, 141.  
 Income tax arrears (payment by instalments), 706.  
 Income Tax :  
 Double claims, 1372.  
 On Dominion dividends, 705.  
 On foreign securities held by Irish charities, 1371.  
 On investments in Great Britain, 425–8.  
 Refund of overcharges, 706.  
 Inspectors of taxes (number and cost of staffs), 723.  
 Insurance, Meath Co. Council employees, 425.  
 Irish Ordnance Surveys, transfer of engravings and equipment, 72.  
 Legislation, method of notifying deputies of forthcoming, 811.  
 Loans to farmers (re improvement of dwellings and out-offices), 447.  
 Local Elections Postponement (Amendment) Bill, 1923 : 1 S., 734.

**Blythe, Ernest—cont.**

- Local Authorities (Indemnity) Bill, 1923 :  
 4 S., 1486.  
 " Lytton entrants " to Civil Service, 1575.  
 Ministers and Secretaries Bill, 1923 : 2 S., 961–2.  
 Com. S., 1492–8, 1508, 1521, 1564–5, 1658.  
 Business of the Dáil, 456.  
 Money resolution, 1388–9.  
 Motor tax, distribution of, 173.  
 Mountmellick Union, relieving officers' pension (case of D. Molloy), 180.  
 National Loan :  
 Commuting Civil Service pensions for, 997.  
 Statement on the, 1619.  
 Nominated (and appointed) Minister for Finance, 33, 52.  
 Non-Executive Council ministries, 60.  
 Oireachtas members' income tax (deductions off), 984.  
 Old Age Pension claim : Ballinagore, 143.  
 Clonakilty (case of O. Wade), 181.  
 Old Age Pension, reduction of, 704.  
 Polling Station, Waterford (hire of), 1720.  
 Postal Commission, report (decision of Ministry), 902.  
 Private builders, assistance for, 429.  
 Purchase facilities for town tenants, 143.  
 Rate collector's pension, Kildare, 173.  
 Reduction of British military pensions, 72.  
 Repayment of overcharged duty on drugs, (Monkstown), 812.  
 Resigned R.I.C., compensation for (cases of Messrs. Colgan, Tullamore), 182.  
 Revenue from patent medicines, 707.  
 R.I.C., resigned and dismissed, compensation for (business of the Dáil), 2050–2051.  
 Safeguarding of Industries (British) Act, repeal of duties under, 71.  
 Saorstát officials' salaries (from British Government), 984.  
 Scotch whiskey, strength of, in Saorstát, 1810.  
 Secondary teachers' grievances, 541.  
 Shaw Commission award : Kilbeggan (case of J. J. McGuinness), 1809.  
 Superannuation and Pensions Act Order re ex-R.I.C., 1262.  
 Unemployment, Dublin (measures for relief of), 703, 1611.

**Board of Works**

- Loans to farmers, 168.

**Bonded Spirits**

- Monthly return of stocks of, 1083.

**Bonuses**

- Civil Service cut in (cost-of-living statistics), 547.  
 Civil service, revision of, 148.

**Border Stations**

- Derry-Donegal, traffic regulations, 1611.

**Boundary Commission**

- Adjournment debate, 693.  
 Notice of adjournment debate, 626.

**Boycott**

- Compensation claims re Belfast, 1577.

19th Sept.—14th Dec.

**Boy's Death in Killaloe Barracks**

Claim for compensation (case of P. Lewis), 719

**Bridge**

Reconstruction of railway: Fiddown, 1476.  
Repair and maintenance of Crompane, Youghal, 1720.

**Brigands in County Clare**

Adjournment debate, 617.  
Notice of adjournment debate, 548.

**British Army and R.I.C.**

Compensation claims against (in 1920-21 period), 1083.

**British Auxiliary Forces**

Accounts against: Killaloe, 1471.

**British**

Barrack furniture transferred from, 175.  
Ex-servicemen's houses in Cobh, 547.  
Ex-soldiers' dependents' pensions, 71.  
Ex-soldier's pension, reduction of (Charlemont Mall, Dublin), 168.  
Government, transfer of services to Provisional Government by, 728.  
Pensions' Appeal Tribunal, particulars re, 139

**Broadcasting**

Licences, proposal for granting of, 145.  
Wireless, motion to appoint Committee of Inquiry, 1983.  
Wireless (suggested discussion of memo.), 1584.

**Builders**

Private, assistance for, 429.  
Building schemes, assisting private builders' 141.  
Subsidies for house, 1263.

**Buitléir, Seán** (See also Butler, J.)

Dungarvan: Arrest (case of M. Condon), 905.  
Kilkenny: Arrest (case of J. Baird, I.T.W.U.), 350.  
Waterford: Arrest (Jas. Baird, I.T.W.U.), 75.  
Waterford: Warders' subsistence allowance, 708.

**Bunelody (Wexford)**

Account against Army (case of Mr. Carton), 996.

**Burke, James A., Minister for Local Government**

Amalgamation scheme, Gort District Council, 1814.  
Appointed Minister for Local Government and Non-Executive Council Member, 627.  
Assistant Co. Surveyors, Clare (increases of salaries), 1585.  
Asylum officials' gratuity, Mullingar, 1278.  
Barrow River flooding, distress caused by, 1721.  
Bridge, repair of Crompane, Youghal, 1720.  
British ex-servicemen's houses, 449.  
Clonakilty Rural District, medical officers' salaries, 992.

**Burke, James A.—cont.**

Courts of Justice Bill, 1923: Com. S., 583.  
Distress, grant for relief of: Castletown-Bere, 1184.  
Election officials, payment of: Mayo, 1476.  
Electors' lists: Official remuneration, 1813.  
Fisheries Bill, 1923: 2 S., 1172.  
Governor-General's address: Debate on resolution of thanks, 151.  
Hospital roofing materials: Skibbereen, 1613.  
Houses for British ex-service men in Cobh, 547.  
Housing scheme, Gort Rural District, 1815.  
Housing: Subsidies for builders, 1263.  
L.G.D. Inspectors, return of number and salaries of, 1005, 1007.  
Killester: Public lighting and scavenging facilities, 1183.  
Local administration, control of, 1374.  
Local Authorities (Indemnity) Bill, 1923: 1 S., 907 to 909.  
2 S., 1206 to 1208.  
4 S., 1482-3.  
5 S., 1486.  
Local Elections Postponement (Amendment) Bill, 1923: 1 S., 732, 736.  
2 S., 1200, 1202-3-4-6.  
Local Government (Collection of Rates) Bill, 1923: 1 S., 1822.  
Local Government Electors Registration Bill, 1923: 1 S., 730.  
2 S., 1199.  
Longford County Council accounts, 544.  
Medical officer: Carlow (postponed election), 1613.  
Mental Hospital: Tirconail (audit), 1586.  
Motor tax and urban areas, 441.  
Mountmellick Union: Relieving officer's pension (case of D. Molloy), 180.  
Old Age Pension claim: Bandon (case of J. Trahy), 624.  
Clonakilty (case of O. Wade), 180.  
Disallowed: Ennis and Ennistymon (cases of Mrs. W. Hehir and J. Shannon), 1184-6.  
Polling Station, Waterford, hire of, 1720.  
Railways, baronially guaranteed (dividends of) 711.  
Railway bridge, Fiddown, reconstruction of, 1477.  
Rate collectors, Cork County (surety bonds), 1813.  
Rate collector's pension: Kildare, 173.  
Rates on small holdings (suggested inclusion in rentals), 449.  
Recommended and appointed Minister for Local Government and Non-Executive Council Member, 192, 206.  
Roads, maintenance of: Cavan, 1475.  
Town tenants, purchase facilities, 143.  
Unemployment in Kildare (and Roads Improvement Fund), 816.  
Vaccination Acts enforcement (Cobh smallpox case), 990.

**Business of the Dáil**

Christmas week adjournment, 1258.  
Compensation regulations re resigned and dismissed R.I.C.), 2049.  
County Courts (Amendment) Bill, 164, 277.  
Courts of Justice Bill, 162, 164, 276  
Courts of Justice Bill: Governor-General's Address, 184.

19th Sept.—14th Dec.

**Business of the Dáil—cont.**

Dáil Eireann Loan and Funds Bill, 1481.  
 Governor-General's address, 18.  
 Governor-General's address, debate on, 164.  
 Governor-General's address, debate on, 276.  
 Governor-General's address debate; Civil Service Regulation (No. 2) Bill; Courts of Justice Bill, 1090.  
 Licensing (Renewal of Licences) Bill, 164, 277.  
 Ministers and Secretaries Bill, 455.  
 Ministers and Secretaries Bill, 1923: 2 S., 739.  
 Orders of the day, 17.  
 Public Safety (Temporary) Bill, 1937.  
 Sessional Com. of Selection, 100

**Butler, John** (See also **Builléir, S.**)

Farm labour dispute: Reported outrages, 432

**Butter and Eggs**

For export, grading of, 1373.

**Byrne, Alfred** (See also **O'Broin, A.**)

Attendance of Ministers in Dáil, 382-3.  
 Business of the Dáil (conditions in Mountjoy Prison), 19.  
 Courts of Justice Bill, 1923:  
 Com. S., 603.  
 Re-committed, 1285, 1289.  
 Dublin Corporation: Petition to Dáil, 999, to 1003, 1451.  
 Governor-General's address: Debate on amendment to motion, 885.  
 Housing policy of Government, 1621.  
 Motor agents' claims, expediting payment of, 272.  
 Nomination of Executive Council, 47.  
 Ports in Great Britain, closed against Irish live stock (foot and mouth disease), 1191.  
 Prisoners on hunger strike (adjournment debate), 978.  
 Strike at North Wall (Dublin), 79.  
 Transport and Communications Bill, 1923: 2 S., 1869.  
 Unemployment problem, debate on motion, 2016, 2032.

**Byrne, Christopher M.** (See also **O'Broin, C.**)

Interpretation Bill, special com. on, 1480.  
 Rep. of Sessional Selection Com., 354.

**Cahir**

Compensation claim (pre-Truce) (case of P. Kiely), 447.

**Callan (and Kilkenny)**

Obstruction by strike pickets, 170.

**Canal Commission Report**

Circulation of, 901, 1382, 1479.

**Canteen**

Haulbowline Dockyard (transfer of licence), 621.

**Carlow**

Civilian's alleged ill-treatment (case of J. Donnelly), 1618.  
 Seizure of cattle, 1580.  
 Medical Officer, postponed election, 1613.

**Carrigaline**

Telephone facilities for, 814.

**Cartridges**

(Sporting), supplies of, 142.

**Castlepollard**

House-burning, compensation claim re, 140.

**Castlereagh**

Account against Army (case of Messrs. Glavey), 351.  
 Commandeered motor car (case of M. Cahill), 904.

**Castletown-Bere**

Dáil Com. grant for relief of distress, 1184.

**Cattle Seized in Co. Carlow, 1580.****Cavan**

Postal facilities, 272.  
 Road administration, 1475.

**Ceann Comhairle** (See also **Hayes, M., and Speaker**)

Applause in gallery forbidden, 25.  
 Business of the Dáil (appointment of Committee to recommend Extern Ministers), 65 to 67, 81.  
 Election of Committee to recommend Extern Ministers, 133.  
 (Nomination of Executive Council), 52.  
 (Nomination of Executive Council; and appointment of Committee to nominate Extern Ministers), 18.  
 (Nomination of Leas-Ceann Comhairle), 67  
 (Time of Sitting on Fridays), 187.  
 Election of, 9.  
 Cinn Comhairle (Temporary), or Acting-Chairmen: Nomination of, 907.  
 Dáil: Hours of Sitting of, on Friday, 1091-2.  
 Debate in Committee: Ten-minute rule and number of speeches in, 370.  
 Governor-General's Address: Order of taking amendments to motion for a resolution of thanks, 759 to 762.  
 "Laid on the Table": Meaning of the phrase, 1005.  
 Ministers and Secretaries Bill (Com. S.): Purport of amendment to paragraph (i) Section 1, 1395 to 1403.  
 Notifications of persons returned to serve in the Dáil, detained under provisions of Public Safety Acts), 80.  
 Petitions to the Dáil: Procedure re, a matter for Committee on Privileges, 998 to 1002.  
 Private Bill Procedure: Method of dealing with Rep. of Joint Committee on, 739, 971.  
 Private Bills:  
 Draft of Standing Orders for regulation of, 158, 161.  
 Senators appointed on Joint Committee to draft Standing Orders for, 354.  
 Returns: Motions for, 1006.  
 Sessional Committee of Selection: Arrangement for Meeting of, 160, 1985.  
 Sessional Committee of Selection: Report of, 352-4.

19th Sept.—14th Dec.

**Ceann Comhairle; Leas-Cheann Comhairle; and Acting Chairman: Rulings of (See also Speaker and Deputy-Speaker)****Adjournment:**

A matter can be raised on motion for, but not in form of a motion, 17.

Deputy can speak only once on motion for the, 977.

Motion for: Only one matter to be raised on, 19, 1479.

Only a Minister can move motion for the, 687.

**Amendments:**

Increasing public charge: Can only be moved by a member of the Executive Council, 1215, 1228.

Leave of Dáil necessary, to withdraw, 495.

Out of order in Com. S.: Proposing to amend second last paragraph of Section after an amendment taken to last paragraph, 1357.

**Bills:**

Increasing public charge: Private Deputies cannot introduce, 804.

Minister in charge of Bill, or other Minister on his behalf, should be present during debate on, 382-3.

Motion to discharge an Order referring a Bill to the Dáil in Committee and to refer the Bill to a Special Committee, 225-6, 227-8.

Only one stage of, can be taken at a sitting, unless by unanimous consent, 1483.

Business of the Dáil: Allocation of time, 185.

Ceann Comhairle: Must not be interrupted, 1786.

Official designation of, 1766.

Courts of Justice Bill (Com. S.):

Matter concerning conduct of a Judge must be raised definitely by motion, 1309.

Point raised by an amendment already decided, 1339.

**Debate:**

Deputies must address the Chair, 1755.

Deputies not permitted to read newspapers during, 1170.

Deputy can speak only once on same motion, 1126, 1703.

Expression used by Deputy not insulting, 1769.

Order in: Ceann Comhairle's ruling must be accepted, 1771.

Public Document quoted in: Should be made available for Deputies unless Minister argued it was contrary to public interest, 1207.

Divisions (procedure according to Standing Order 52), 285.

Election of Extern Ministers: Only names proposed by the Committee to be placed before the Dáil, 199, 204-5.

Governor-General's Address: Minister's statement of Government financial policy relevant to motion for a resolution of thanks, 689.

Local Elections Postponement (Amendment) Bill: 1 S.: Collection of rates and tenure of office of existing Councils not relevant to debate on, 735-6.

**Ceann Comhairle; Leas-Cheann Comhairle; and Acting Chairman—cont.**

Ministerial Business to proceed after 7 p.m. on Wednesdays, when no Private Members' business, 256 to 259.

Ministers and Secretaries Bill: 2 S.—Information re Parliamentary Secretaries in Third Dáil not relevant to debate on, 1022.

Northern Boundary Commission: Revenue arrangements not relevant to debate on, 698.

Privilege of Deputies: Allegations in Press re abuse of Travelling Vouchers, 914 to 916.

Questions: Speeches not allowed at, 169.

Sessional Committee of Selection: Power to discharge Members for non-attendance, and to substitute others, 157.

Voting: Deputy must attend in his place when, 1415.

**Charities (Irish)**

Income tax on foreign securities held by, 1371.

**Charleville**

Accounts against Army (case of Messrs. Cahill & Kelleher), 1723.

**City Life Assurance Company, Ltd.**

In liquidation: Irish policy holders' interests, 349.

**Civic Guard (See also Garda Síochána)**

and R.I.C., strength and salaries, 429.

Account against: Kildare (case of L. Berns), 903.

Barracks: Mullingar, 727.

Belturbet: Claim for shooting of (case of late M. Lyons), 1381.

**Civilian Employe in Army**

Payment of (case of S. L'Amie, Newbridge), 178.

**Civilians Wounded**

Compensation claim by (Railway Street, Dublin), 813.

**Civil Servants**

Arrest and dismissal (case of R. A. Johnson), 1576.

on loan (from British Government), 984.

"Lytton entrants," 1575.

**Civil Service**

Bonus, revision of, 148, 547.

Pensions, commuting, for National loan, 997.

Civil Service Regulation (No. 2) Bill, 1923:

1 S., 455.

2 S., 740.

Com. S., 1216.

Civil Service Regulation (No. 2) Bill, 1923—

4 S., 1358.

5 S., 1362.

Business of the Dáil, 1090.

Money resolution, 1163.

**Clancy, Patrick (See MacFlannchadha, P.)****Clane**

Volunteer policeman's pay, 1614.

19th Sept.—14th Dec.

**Clanricarde Estate**Reduction of annuities of re-instated tenants.  
1264.**Clare**Armed brigands in (notice of adjournment  
debate), 548.Assistant Co. Surveyors (salaries' increases),  
1585.

Compensation (pre-Truce) awards, 1179.

Kidnapping in (adjournment debate), 617.

Men kidnapped and flogged (case of Messrs  
McCormack of Doora), 542.**Clearing Facilities at the Ports**

Customs, 705.

**Cleaves' Creameries Seized**

Losses to farmers, 1811, 1812.

**Clerical Officers in Prison Service**

Allowance to, 148.

**Clerks of District Courts**

Appointment of, 181.

**Clifford Estate, Mayo**

Division of, 710.

**Clonakilly**

Closing of Barytes Mines, 1474.

Doctors: R. District Med. Officers' salaries,  
991.

Old Age Pension claim (case of O. Wade), 180

**Clonmel**

District postal deliveries, 989.

District unemployment benefit claims, 1578.

**Cobh**

Houses for British ex-servicemen, 547.

Smallpox case (enforcing Vaccination Acts),  
990.**Coffee Essences**

Embargo on, 812.

**Cole, John J.**Baronially guaranteed railways (dividends  
of), 711.

Cavan postal facilities, 272.

Cootehill compensation claim (case of T.  
Godfrey), 272.Foot and mouth disease (adjournment debate)  
1608.

Income tax, refund of overcharges, 706.

Inspectors of taxes (number and cost of  
staffs), 722.

Seed potatoes, provision of, 99a.

**College of Science**

Occupation of, 811.

**Collins - O'Driscoll, Margaret (See also Uí  
Dhriscóil, Máighréad Ní Cholláin)**

Courts of Justice Bill, 1923: Com. S., 345.

Governor-General's address: Debate on reso-  
lution of thanks, 1157.**Colohan, Hugh (See also Ó Cúlaicháin, A.)**Ministers and Secretaries Bill, 1923: Com. S.,  
1502, 1531.**Commandeered**

Bicycle, Beauparc, compensation for, 1616.

Bicycle, Enfield (case of J. Ennis), 1378.

Firearms (seized by Volunteers); pre-Truce,  
restoration of, 1377.

Motor car: Castlerea (case of M. Cahill), 904.

Motor car: Fermoy (case of Dr. C. Molan),  
725.

Motor cars: Longford, 1273.

Motor car: Rathdowney (case of E. Dollard),  
179.Motor car: Stoneyford (case of M. McMunn),  
546.

Lorries, 716.

Lorry: Athlone (case of W. I. Jones), 453.

Premises: Drimoleague (by Garda Síochána),  
1587.

Premises, for Garda Síochána: Fermoy, 1718.

Premises: Kilrush, 1180, 1935.

Premises: Tullamore (rates due), 1928.

**Commission**Imperial, war graves (Saorstát representative)  
984.Northern Boundary (adjournment debate),  
693.Postal, decision of Government re report  
(statement by Postmaster-General), 1817.

Report, Circulation of canal, 1382, 1479.

Report of postal, delay in publication, 175.

Report of postal (decision of Ministry), 902.  
(Shaw), Award: Kilbeggan (case of J. J.  
McGuinness), 1809.**Commissioners**Of Electricity under Electricity Supply  
(British) Act, 75.Of National education, appointment of and  
qualifications, 446.**Commissions**

Circulation of reports of, 901.

**Comptroller and Auditor-General**

Report of (query re), 1715.

**Committee**Of Public Accounts (proposed appointment  
of), 1715.On House (Restaurant, etc.) (rep. of Sessional  
Com.), 353.Of Inquiry into Wireless Broadcasting,  
motion to appoint, 1983.On Internal Accommodation (rep. of Sessional  
Com.), 353.(Joint) on Private Bill Procedure, report of,  
737.(Joint) on Private Bill Standing Orders,  
rep. of, 1078.On Private Bill Standing Orders (and Sessional  
Selection Committee), 83.(Joint) on Private Bill Standing Orders,  
second report of, 1280.On Private Bill Standing Orders, composition  
and terms of reference of, 157.On Private Bills Standing Orders (rep. of  
Sessional Com.), 353.On Procedure and Privileges, terms of  
reference, 157.On Procedure and Privileges (rep. of Sessional  
Com.), 353.

19th Sept.—14th Dec.

**Committee—cont.**

- On Procedure and Privileges (and Sessional Selection Committee), 83.
- On Restaurant and Accommodation Arrangements, for Members of Oireachtas, terms of reference, 159.
- To recommend Non-Executive Council Ministers, 64.
- Appointment of, 82-3, 133.
- Election of, 80.
- Rep. of, 190.
- (Sessional Selection), appointment of, 82.
- Special, appointment of re Interpretation Bill, 1480.
- (Special) on Interpretation Bill, report of, 1724.
- (Special), instructions to Com. of Sessional Selection re, 156.

**Compensation**

- Claim against Army: Rathmines (case of N. H. Walsh), 276.
- Claim (against Army) of wounded soldier (case of Pte. P. Doyle, Kilcullen), 1189.
- Claims against British Army and R.I.C. in 1920-21 period, 1083.
- Claim: Dunmanway (case of Mrs. A. Gray), 902.
- Claim for burning of Scariff Workhouse, 703.
- Claims of civilians wounded by military (Railway Street, Dublin), 813.
- Claims of pre-Truce, I.R.A., 1617.
- Claim: Ballymore Eustace (case of E. Grace), 429.
- Claims (Belfast Boycott), 1577.
- Claim: Bicycle commandeered (pre-Truce), 1610.
- Claim against Army: Cashel (case of J. Ryan), 1191.
- Claim: Cootehill (case of T. Godfrey), 271.
- Claim: Kilrush (case of M. Crotty), 1570.
- Claim: Glashule (case of C. O'Toole), 905.
- Claim: Gort (case of D. McCarthy), 904.
- Claim: Naas (case of late P. Roche), 906.
- Claim: Mullagh, Co. Clare (case of E. Burke), 1929.
- Claim for accidental shooting: Mullingar (case of late P. Bracken), 1817.
- Claim: Mullingar (pre-Truce, case of J. Mulkearns), 817.
- Claim of parents of soldier killed in Mullingar (case of late S.-M. McNamee), 546.
- Claims re rebuilding of O'Connell Street, 73.
- Claim: (pre-Truce) Athlone (case of J. Grenham), 1927.
- Claim: (pre-Truce) Ballinasloe (case of J. Killalea), 1810.
- Claim (pre-Truce), Cahir, Tipperary (case of P. Kiely), 447.
- Claim (pre-Truce): Ennis (case of late P. Morrissey), 1478.
- Claim: (pre-Truce) Whitegate, Clare (case of R. Lucas), 1928.
- Claims for losses (pre-Truce) caused by I.R.A., 1373.
- Claims of volunteer police, 451.
- Claim for burned house: Castlepollard, 140.
- Claim for civilian shot by Military: Roscommon (case of late P. Barrett), 1274.
- (pre-Truce) awards: Clare, 1179.
- Claim: (pre-Truce) Dingle (case of J. & M. Flaherty), 1577.

**Compensation—cont.**

- For resigned and dismissed R.I.C. (business of the Dáil), 2049.
- For parents of pre-Truce Volunteers killed, 1721.
- (Ireland) Commission (re Clare compensation awards), 1179.
- (Ireland) Commission: pre-Truce losses occasioned by I.R.A., 1373.

**Commuting Civil Service Pensions for National Loan, 997.****Compounded Arrears of Rent, 625.****Compounded Arrears of Rent, Collection of, 1267, 1268.****Congested Districts Board**

- Re-Employment of gangers, 1811.

**Congestion**

- Balla (division of Lynch Blossie Estate), 443.

**Congests**

- Division of Moate Estates, 1723.

**Conlan, John**

- Barrow River flooding; distress caused, 1721.
- Curragh roads, restrictions on use of, 714.
- Curragh deputy-ranger, 1472.
- Donadea (Kildare) Turbary rents, 442.
- Geashill: Seizure of land (case of J. C. Gibson), 985.
- Governor-General's address: debate on resolution of thanks, 1145.

**Connolly, C. (See O'Conghaile, C.)****Constitution**

- Article 17 of, list of deputies who complied with, 7.

**Contracts for Military Meat Supplies (Dublin), 177.****Control of Local Administration, 1373. i****Convict Prison Staff**

- Beds for: Portlaoighise, 450.

**Cooper, Bryan R., Acting Chairman (See also Ceann Comhairle and Leas-Ceann Comhairle, Rulings of)**

- Appointed Acting-Chairman (or Temporary Ceann Comhairle), 907.
- Bonded spirits, monthly return of stocks of, 1083.
- Business of the Dáil (Governor-General's address debate), 688.
- Business of the Dáil (Governor-General's address, and various bills), 276.
- Cashel: Compensation claim against Army (case of J. Ryan), 1191.
- Civil Service Regulation (No. 2) Bill, 1923: 2 S., 743.
- Com. S., 1210, 1219, 1224 to 1235, 1247.
- 4 S., 1358, 1361.



19th Sept.—14th Dec.

**Cooper, Bryan R.—cont.**

Civil Service, "Lytton entrants" to, 1575.  
 Commandeered premises for Garda Síochána : Fermoy, 1718.  
 Courts of Justice Bill, 1923 : Com. S., 240, 254, 256, 258, 293, 308, 314, 316, 338, 358, 405 to 413, 418, 456, 462, 487 to 502, 524, 549, 558, 584, 598 to 605, 610 to 616.  
 Re-Committed, 1255, 1282-6, 1291-4-9, 1312, 1318 to 1326, 1335-6, 1340.  
 4 S., 1355.  
 5 S., 1630.  
 Courts of Justice stenographers, 141.  
 Customs arrangements at Saorstát Ports (adjournment debate), 1704.  
 Customs arrangements at Saorstát Ports (notice of adjournment debate), 1618.  
 Dean's Grange : Dependents' allowance (case of Mrs. C. Griffin), 817.  
 Demobilised officers, grants for, 1615.  
 Dependents' allowance, Engineering Corps (case of Vol. Sherlock), 1937.  
 Director, National Gallery, appointment of 1717.  
 Dublin (Denmark Street) Post Office : alleged irregularities, 446.  
 Dublin (Portobello) : Account against Army (case of W. Wogan), 545.  
 Dun Laoghaire and Balkey postal facilities, 722.  
 Dun Laoghaire : Customs arrangements, 1262.  
 Dun Laoghaire Pier : Luggage examination, 1612.  
 Expiring Laws Bill, 1923 : 2 S., 1622.  
 Fisheries Bill, 1923 : Com. S., 1365, 1368.  
 Fisheries patrol boat operations, 1584.  
 Glashule : Compensation claim (case of C. O'Toole), 905.  
 Governor-General's Address :  
 Business of the Dáil, 617  
 Debate on amendment to motion, 794-7, 859, 1035.  
 Debate on resolution of thanks, 224, 627.  
 Green Street Courthouse staff : Number, salaries and duties of, 1450.  
 House Committee : Terms of reference, 159.  
 Imperial War Graves Commission (Saorstát Representative), 984.  
 Income tax on Dominion dividends, 705.  
 Income tax on foreign securities held by Irish charities, 1371.  
 Income tax on investments in Great Britain, 428.  
 Killester : Public lighting and scavenging facilities, 1183.  
 Killester school requirements, 988.  
 Killiney foreshore, removal of sand from, 1929.  
 Legal practitioners' accommodation : Green Street Courthouse, 1085.  
 Local Elections Postponement (Amendment) Bill, 1923 : 1 S., 733.  
 Local Elections Postponement (Amendment) Bill, 1923 : 2 S., 1205.  
 Metropolitan Police, ex-soldier pensioners, 1588.  
 Ministers and Secretaries Bill, 1923 : 2 S., 940, 1009.  
 Com. S., 1401 to 1405, 1414, 1426, 1434, 1513, 1537, 1540, 1644, 1647, 1663, 1725, 1733, 1737, 1760, 1783, 1835 to 1842.

**Cooper, Bryan R.—cont.**

Oireachtas Members' income tax (deductions off), 983.  
 Permanent accommodation for Oireachtas, 167.  
 Post Office weighing machines, 1584.  
 President's statement re labour disputes and general industrial position (adjournment debate), 113.  
 Repayment of overcharged duty on drugs (Monkstown), 812.  
 Report of Joint Committee on Private Bill procedure, 738.  
 Safeguarding of Industries (British) Act, repeal of duties under, 71.  
 Sandycove postal delivery, 146.  
 Telephones, installation of, 902-3.  
 Transport and Communications Bill, 1923 : 2 S., 1680, 1693, 1794.  
 Unemployed benefit for ex-National Army soldiers in Six-County area, 1931.  
 Warders : Temporary and permanent prison service appointments, 1180.

**Cootehill Compensation Claim**

(Case of T. Godfrey), 272.

**Corish, Richard (See also MacFheorais, R.)**

Governor-General's address : Debate on resolution of thanks, 1151.  
 Local Authorities (Indemnity) Bill, 1923 :  
 1 S., 908, 909.  
 2 S., 1209, 1213.  
 4 S., 1483 5 6.  
 Local Elections Postponement (Amendment) Bill, 1923 : 1 S., 734, 735.  
 2 S., 1202.  
 Ministers and Secretaries Bill, 1923 : Com. S., 1422.  
 Transport and Communications Bill, 1923 : 2 S., 1889.  
 Unemployed benefit of ex-National Army soldiers in Six-County area, 1931, 1932.  
 Unemployment Insurance (adjournment debate), 1569.  
 Unemployed Insurance benefit : Delayed payments, 1375.  
 Unemployment Insurance : Effects of (notice of adjournment debate), 1479.  
 Unemployment problem : Debate on motion 2012, 2029, 2035, 2036.

**Cork**

Accounts against Army (motor vehicles, etc.), 1275.  
 Army dependents' allowances (case of Pte. T. Martin), 725.  
 County Council : Collection of rates (surety bonds of collectors), 1813.  
 County : Release of internees from, 1936.  
 Cork-Fermoy : Transport facilities, 1585.  
 Harbour Board : Account due by military, 1581.  
 Road workers Unemployment Insurance Cards 171.  
 Unemployment benefit claims (delayed), 1473.

**Coroners (Qualification) Bill, 1923 : 1 S., 1823.****Corporation, Dublin**

Petition to Dáil, 998, 1450.

19th Sept.—14th Dec.

**Cosgrave, James** (See also **MacCosgair, Seamus**)  
Governor-General's address: Debate on amendment to motion, 886.

**Cosgrave, Philip**

Death of Deputy Philip Cosgrave: Resolution of sympathy of the Dáil, 454.

**Cosgrave, William Thomas, President of Dáil Éireann**

Appointment of Committee to recommend

Non-Executive Council Ministers, 63-67.

Appointment of Executive Council, 138.

Appointment of Minister for Education, 209.

Appointment of Sessional Selection Committee, 83-4.

Barley growing in Saorstát, 78.

British Auxiliary Forces, accounts against: Killaloe, 1471.

British Pensions' Appeal Tribunal, 139.

Business of the Dáil (Courts of Justice Bill, County Courts Amendment Bill, Licensing Bill, debate on Governor-General's address) 164.

Business of the Dáil (Courts of Justice Bill, Governor-General's address), 185, 186.

Business of the Dáil (debate on Governor-General's address), 691.

Business of the Dáil (Governor-General's address), 18.

Business of the Dáil (various bills and debate on Governor-General's address), 276-7.

Canal Commission Report, Circulation of copies of, 1383.

College of Science, occupation of, 811.

Commission Reports, circulation of, 901.

Committee on Private Bill Standing Orders, Terms of reference of, 158.

Committee on Procedure and Privileges: Terms of reference, 157.

Committee of Public Accounts, proposed appointment of, 1715.

Committee to Recommend Non-Executive Council Ministers, Rep. of., 193, 198, 199.

County Courts (Amendment) Bill, 1923: 2 S., 210.

Courts of Justice Bill, 1923: 1 S., 68.

2 S., 84.

Com. S., 232 to 268, 278, 282, 287, 288, 293-5, 301 to 310, 331 to 348, 359, 383-4, 388 to 408, 422.

Re-Committed, 1284, 1285.

4 S., 1352 to 1356.

5 S., 1625.

Business of the Dáil, 162.

Money resolution, 86, 90, 91.

Death of Deputy James Derham, 1004.

Deputy imprisoned in Scotland (case of J. McCurtain), 1809.

Director, National Gallery, Appointment of, 1716, 1717.

Dublin Corporation: Petition to Dáil, 1000, 1001, 1002.

Election of Ceann Comhairle, 9.

Friday Sitzings of Dáil Éireann (hour of), 187.

Haulbowline: Discharged dockyard employees, 1382.

House Committee: Terms of reference, 159.

Houses for British ex-servicemen, 728.

Industrial situation and labour disputes (statement), 187.

**Cosgrave, William Thomas—cont.**

Interpretation Bill, 1923: 4 S., 1822.

Journals of the House, Printing of, 17.

League of Nations: Policy of Saorstát, 423.

Legislation, Method of notifying Deputies of forthcoming, 811.

Local Authorities (Indemnity) Bill, 1923: 4 S., 1484-6.

Local Elections Postponement (Amendment) Bill, 1923: 1 S., 733, 734.

L.G.D. Inspectors, Return of number of salaries of, 1005.

Minister for Agriculture, Nomination of, 199.

Minister for Local Government, Nomination of, 206.

Ministers and Secretaries Bill, 1923:

1 S., 189.

2 S., 916, 1020, 1023.

Com. S., 1409, 1417, 1421, 1440.

1520, 1558, 1639, 1663, 1666, 1726 to 1740, 1756 to 1765, 1779, 1829, 1845.

Business of the Dáil, 739, 740.

Nominated (and elected) President of the Executive Council, 11, 16, 33.

Nomination of Executive Council, 33, 47.

Nomination of President, 16.

Non-Executive Council Ministries, 51, 61.

Northern Boundary Commission (adjournment debate), 700.

Oireachtas, Permanent accommodation for, 167.

Petitions to Dáil by Dublin Corporation, 1452.

Position of Anti-Treaty Deputies (adjournment debate), 29.

Postmaster-General, Nomination of, 207.

Prisoners on Hunger Strike (adjournment debate), 975, 976, 977, 978.

Privilege question of newspaper reports, 911.

Public Safety (Powers of Arrest and Detention) Temporary Bill: (Business of the Dáil), 1937.

Registration of Irish-British Treaty at Geneva, 139.

Report of Comptroller and Auditor-General (query re), 1715.

Selection of Special Committees (instruction re), 156.

Sessional Committee of Selection (Business of the Dáil), 161.

Show Commission awards (question of appeals from), 1927.

Statement re industrial disputes, general industrial unrest, and barley growing in Saorstát (adjournment debate), 103, 131.

Strike at North Wall (Dublin), 79.

Transfer of services to Provisional Government, 729.

Transport and Communications Bill, 1923: 2 S., 1806-7, 1870, 1902.

Unemployment dole: payment of for constructive work, 271.

Unemployment: Dublin (measures for relief of), 703.

Unemployment Insurance (adjournment debate), 1572.

Unemployment problem: Debate on motion, 2025, 2049.

Unemployment relief: Dublin, 1611.

**Cost-of-Living Statistics**

And cut in Civil Service bonus, 547.

19th Sept.—14th Dec.

**County Council Accounts**

Longford (auditing of, and surcharges), 544.

**County Courts (Amendment) Bill, 1923 :**

1 S., 154.

2 S., 29.

Com. S., 354.

Rep. S., 357.

5 S., 357.

(Business of the Dáil), 164, 277.

**Court, Dublin Central Criminal**

Area included in, 424.

**Courthouse**As Gárda Síochána Barracks : Mullingar, 727.  
Green Street : Number, salaries and duties of staff, 1450.**Court Officers (Temporary Appointments) Bill, 1923 :** 1 S., 1938.**Courts of Justice Bill, 1923**

1 S., 68.

2 S., 84.

Com. S., 229, 278, 358, 456, 548,

Re-Committed, 1249, 1282.

4 S., 1248, 1350.

5 S., 1625.

(Business of the Dáil), 162-4, 184-5, 1009.

Money resolution, 86.

Motion to commit to Special Committee 224.

**Courts of Justice Stenographers**

Proposed number and cost of, 141.

**Coyle, Henry**

Governor-General's address : Debate on amendment to motion on, 1042.

**Craig, Sir James**

Civil Service Regulation (No. 2) Bill, 1923

2 S., 745.

Courts of Justice Bill, 1923 : Com. S., 253.

Governor-General's address : Debate on resolution of thanks, 1147.

Non-Executive Council Ministries, 55.

**Creameries Seized (Cleeves')**

Losses to farmers, 1811, 1812.

**Crompane Bridge, Youghal**

Repair of, 1720.

**Crookhaven (and Goleen)**

Fishing facilities, 1187.

**Croom District Council's Complaint**  
(Re Medical Officer), 174.**Crops Destroyed by Rabbits.** 709.**Curragh**

Deputy Ranger, 1472.

Management (Salaries of Rangers, etc.), 983.

Roads, Restrictions on use of, 714.

Unemployment contributions : Claim for refunds, 1578.

**Customs**

Arrangements : Dun Laoghaire, 1262.

Arrangements at Saorstát Ports (adjournment debate), 1704.

Arrangements at Saorstát Ports (notice of adjournment debate), 1618.

Clearing facilities at ports, 705.

Facilities at Greenore, 703.

Imports dutiable traffic at Greenore, 1261.

**Dáil Éireann**

And Seanad Éireann, joint sitting : Governor-General's address (See Appendix at end of volume).

Convening of : Governor-General's proclamation, 1.

Distress Committee grant : Castletown-Bere, 1184.

Dublin Corporation petitions to, 998, 1450.

Hour of meeting on Fridays, 187.

Journals of : Motion re printing, 17.

List of Deputies returned to serve in, 5.

Loans and Funds Bill, 1923 :

1 S., 1195.

2 S., 1824.

Loan and Funds Bill (business of the Dáil), 1481.

Privilege of : Presentation of Annual Report of Department of Agriculture, 1087.

Sympathy of : Death of Deputy P. Derham, 1004.

**Dalkey Postal Facilities,** 722.**D'Ailton, Louis J.**

Clonmel district postal deliveries, 989.

Courts of Justice Bill, 1923 : Com. S., 566.

Fisheries Bill, 1923 : Com. S., 1369.

Governor-General's address : Debate on resolution of thanks, 1074.

Killenaula : Repair of telegraph wires, 1086.

Land Act (1923), Abatement under, 622.

Ministers and Secretaries Bill, 1923 : Com. S., 1426.

Mullinahone postal delivery, 623.

President's statement re industrial position, 130.

Transport and Communications Bill, 1923 : 2 S., 1887.

**Daly, John**

President's statement re industrial position (adjournment debate), 129.

**Damage to Property (Amendment) Act**

And O'Connell Street rebuilding, 73.

**Davin, William** (See also **O'Daimhín, L.**)

Barley growing in Saorstát, Protection of, 78, 118, 123.

Committee to recommend Non-Executive Council Ministers, Rep. of, 195.

Courts of Justice Bill, 1923 : Com. S., 505, 507.

Customs arrangements at Dun Laoghaire (adjournment debate), 1707.

Derry and Lough Swilly Railway dispute (adjournment debate), 98, 103.

Dublin : Army meat contracts (advertising of), 177.

19th Sept.—14th Dec.

**Davin, William—cont.**

Governor-General's address : Debate on resolution of thanks, 1052.

Ministers and Secretaries Bill, 1923 :

2 S., 1021.

Com. S., 1438, 1653, 1830, 1835.

Northern Boundary Commission (adjournment debate), 699.

Privilege question of newspaper reports, 912.

Transport and Communications Bill, 1923 :

1 S., 1199.

2 S., 1467, 1785, 1849, 1878.

**Deansgrange (Co. Dublin)**

Dependents' allowance (case of Mrs. C. Griffin), 817.

**Deaths of Deputy Philip Cosgrave and Senator McPartlin**

Resolution of sympathy, 454.

**Debts of Volunteer Police**

(Case of Messrs. Colbeck, Grehan, Gaul, Dowdall), 997.

**Declaration of Deputy Returned for Two Constituencies, 9, 150.**

**De Clifflord Estate, Mayo**

Division of, 710.

**Decree**

Payment of (case of J. Healion, Tullamore), 183.

**Deliveries of Letters in Rural Districts**

(Charges for Sunday deliveries), 1375.

**Demobilised Officers**

Grants for, 716, 1615.

**Denmark Street Post Office, Dublin**

Alleged irregularities, 446.

**Dependents' Allowance**

Ballivor (case of Mrs. J. Kiernan), 1188.

Ballivor (case of W. McKeon), 995.

Cork (case of Pte. T. Martin), 725.

Dean's Grange (case of Mrs. C. Griffin), 817.

Dunmanway (case of Mrs. E. Donovan), 1816.

Engineering Corps (case of Vol. Sherlock), 1937.

Harristown, Co. Kildare (case of Pte. P. Allinson), 1614.

Timoleague (case of Mrs. E. Long), 1815.

Wicklow (case of Mrs. A. Nolan), 1936.

**Dependents' Claims**

Railway Protection Corps, 723.

**Dependents of Deceased D.M.P. Constable**

(Pre-Truce case), 546.

**Deputies**

And Senators : Income tax (deductions off), 983.

(Anti-Treaty), position of (adjournment debate), 20.

**Deputies—cont.**

Elected to Dáil Eireann, Detention of, 80.

(List of) who complied with Provisions of Article 17 of Constitution, 7.

Returned to Dáil Eireann, List of (and of constituencies), 5.

**Deputy**

Death of : Sympathy of Dáil with family of late P. Cosgrave, 454.

Death of : Sympathy of Dáil with family of late P. Derham, 1004.

Election of : Dublin South (Borough), 454.

Election of : National University, 998.

Imprisoned in Scotland (case of J. McCurtain, T.D.), 1809.

Ranger : Curragh, 1472.

Returned for two constituencies, Declaration by, 9, 150.

Speaker (see O'Máille, P., and Leas-Cheann Comhairle).

**Derham, James**

Announcement of death of, 1004.

**Derry and Lough Swilly Railway Dispute**

(Adjournment debate), 91.

**Derry-Donegal Border**

Traffic regulations, 1611.

**Destroyed Property (Dublin)**

Rebuilding of O'Connell Street, 73.

**Destruction of Crops by Rabbits, 709.**

**Detective's Card of Authority, 1929.**

**Detention of Persons Returned to Serve in Dáil, 80.**

**"Diamond Bog." Co. Kilkenny**

Acquisition for division, 1932.

**Dingle Compensation Claim for Malleous Injuries (case of J. and M. Flaherty), 1577.**

**Dinneen, John (See also O'Duinnin, S.)**

**Director of National Gallery, 1716.**

**Discharged Soldiers' Claim**

Unemployment benefit, 1582.

**Discharged Soldiers**

Newbridge : Question of compensation (case of J. Hughes), 1812.

Unemployment benefit claims, 77, 623.

Unstamped Insurance Cards, 1380.

**Dismissal and Arrest of Civil Servant**

(Case of R. J. Johnson), 1576.

**Distress**

Relief of : Dáil grant for Castletown-Bere, 1184.

19th Sept.—14th Dec.

**Distribution of Untenanted Land in Mayo, 993.****District Council's Complaint re Medical Officer,**  
Croon, 174.**District Courts**

Permanent appointment of Clerks, 181.

**Division of "Diamond Bog," Co. Kilkenny,**  
1932.**Division of Mayo Estate**

(Lynch Blossie Estate, Balla), 443.

**Divisions**Business of the Dáil :  
(Motion for Adjournment), 691.

Courts of Justice Bill, 1923 :

Com. S., 285 ; 345 ; 497.

Re-Committed, 1337.

Rep. S., 1 ; 355.

Fisheries Bill, 1923 :

2 S., 1177.

Com. S., 1385.

Governor-General's Address :

Debate on Amendment to Motion, 883-  
887.

Debate on Resolution of Thanks, 1163.

Ministers and Secretaries Bill, 1923 :

2 S., 1023.

Com. S., 1415, 1531, 1569, 1663, 1733,  
1739, 1785.

Public Safety (Powers of Arrest and Detention)

Temporary Bill, 1923 :

2 S., 1983.

Transport and Communications Bill, 1923 :

2 S., 1925.

Unemployment Problem :

Debate on Motion, 2049.

**D.M.P.**

D.M.P. Detectives :

Card of Authority, 1929.

Deceased Constable's Dependents (Pre-  
Truce case of late Constable Dunphy,  
546.**Dockyard Employees**

Discharge of : Haulbowline, 1381.

**Doctors' Salaries**

Clonakilty Rural District, 991.

**Dolan, James** (See also **O'Dolain, S. N.**)Dáil Eireann Loans and Funds Bill, 1923 :  
2 S., 1828.**Dominion Dividends**

Income Tax on Investments, 705.

**Donadea, Kildare, Turbary Rents, 442.****Donegal-Derry Border**

Traffic Regulations, 1611.

**Donovan, Timothy S.** (See also **O'Donnabhan,**  
**T. S.**)**Double Income Tax Claims, 1372.****Double Income Tax**

(Investments in Great Britain), 425.

**Doyle, Edmund** (See also **O'Dubhghall, M.**)  
Ministers and Secretaries Bill, 1923 :  
Com. S., 1670.**Doyle, Ml.** (See also **O'Dubhghall, M.**)

Foot and Mouth Disease :

Preventive Precautions (Adjournment  
Debate), 1596, 1603, 1604, 16 7.

Governor-General's Address :

Debate on Resolution of Thanks, 1149.

Local Authority (Indemnity) Bill, 1923 :  
2 S., 1214.

Minister for Local Government :

Nomination of, 206.

**Doyle, Peter S.** (See also **O'Dubhghall,**  
**Pedar S.**)

Governor-General's Address :

Debate on Resolution of Thanks, 1069.

Transport and Communications Bill, 1923 :  
2 S., 1687, 1866, 1870.**Drimoleague**Account against Army (case of **T. J.**  
**Beamish**), 1478.

Account against Army : (various), 1190.

Premises : Commandeered by **Garda**  
**Slochána**, 1587.**Drolehead Nua**Account against Army : (Case of **A. Browne**),  
452.Discharged Soldier's Unemployment Benefit :  
(Case of Corporal Mullaly), 623.

Proclaimed Meeting : Reason for, 985.

**Drugs**Repayment of Overcharged Duty on :  
(Monkstown), 812.**Dublin**Central Criminal Court : Area included in,  
424.(Charlemont Mall) : Reduction of British  
ex-Soldier's Pension, 168.

City (South) : Issue of Writ for, 150, 184.

Corporation : Petition to Dáil, 998, 1450.

Destroyed Property : Rebuilding of **O'Connell**  
Street, 73.Inquest : Case of late **N. Lemass**, 1718.Metropolitan Police : ex-Soldier's Disability  
Pension, 1588.

Military Meat Contracts, 177.

Money-lenders' Rate of Interest, 541.

Murder of Jewish citizens, 1087.

(North King Street) : Arrest (case of **J.**  
**Healy**), 178.

(North Wall) : Strike, 79.

(Portobello) : Account against Army : (case  
of **W. Wogan**), 545.Denmark Street, Post Office : Alleged  
irregularities in, 446.Public Meetings in **O'Connell Street**.  
(obstruction caused), 543.Railway Street : Compensation Claim of  
Wounded Civilians, 813.

**Dublin.—cont.**

(Rathmines): Compensation Claim against Army (case of N. H. Walsh), 276.  
Relief of Unemployment, 1611.  
South (Borough) Constituency: Result of election, 454.  
Tenants and Housing (North Wall), and Increase of Rent and Mortgage (Restrictions) Act, 142.  
Unemployment (Measures for Relief of), 703

**Duggan, Edmund J.**

County Courts (Amendment) Bill, 1923: Com. S., 355, 357.  
Courts of Justice Bill, 1923: Com. S., 229, 232, 248, 265, 294, 332, 398 to 415, 469 to 474, 487-8-9, 499, 508, 514, 550, 552, 564, 578 to 584, 612-4.  
Journals of the House: Printing of, 17.

**Dungarvan**

Arrest: (case of M. Condon), 905.

**Dun Laoghaire**

Customs Arrangements, 1262, 1704.  
Pier: Examination of Luggage, 1612.  
Postal facilities, 722.

**Dunmanway**

Account against Army (case of M. J. Howley), 906.  
Account against Army (various), 1190.  
Compensation Claim (case of Mrs. A. Gray), 902.  
Dependents' Allowance (case of Mrs. E. Donovan), 1816.  
Unemployment Benefit Claim (case of J. J. Burke), 903.

**Dunmore, Co. Galway**

Account against Army (case of P. J. Flattery), 996.

**Dunshaughlin Rural District**

Noxious Weeds in, 711.

**Durrow**

Accounts against Army (case of Messrs. Mercier), 1589.

**Duty on Drugs and Patent Medicines**

(Amount of), 707, 812.

**Education and Old Age Pensions**

(Amendment to Motion on Governor-General's Address), 764, 819, 885.

**Education, Commissioners of National**

Appointment of and qualifications, 446.

**Egan, Patrick J.**

Ballycumber:  
Accounts against Army (case of Mrs. Flynn), 720.  
Compensation to Parents for Soldier Killed in Mullingar (case of late Sergt.-Major McNamee), 546.

**Egan, Patrick J.—cont.**

Durrow:  
Accounts against Army (case of Messrs. Mercier), 1589.  
Foot and Mouth Disease: (Adjournment Debate), 1608.  
Governor-General's Address: Debate on Resolution of Thanks, 651.  
Land Act, 1923: Abatements under, 622.  
Ministers and Secretaries Bill, 1923: Com. S., 1654.  
Purchases by Army: Question of Prices, 1580.  
Rents and Annuities: Payment of Arrears, 1932.  
Rent: Compounded Arrears of (Allowances for), 1268.  
Resigned R.I.C. (Offaly): Compensation for (cases of Messrs. Colgan), 181, 182.  
Scotch Whiskey (strength of) in Saorstát, 1810.  
Stoneyford: Motor Car Commandeered (case of M. McMunn), 546.  
Transport and Communications Bill, 1923: 2 S., 1853, 1916.  
Tullamore: Commandeered Premises (Rates due), 1928.  
Tullamore Decree: Payment of (case of J. Healion), 183.

**Eggs and Butter for Export**

Grading of, 1373.

**Election**

(and Nomination) of President of Executive Council, 11, 16, 33.  
National University (Election of Deputy P. McGilligan), 998.  
Of Ceann Comhairle, 9.  
Of Deputy for Dublin South (Borough), 454.

**Election Officials**

Payment of, Mayo, 1476.

**Electors' Lists**

Official Remuneration, 1813.

**Electricity Commissioners**

Under Electricity Supply (British) Act, 75.

**Embargo on Irish Live Stock**

(Adjournment Debate), 887.  
(Notice of Adjournment Debate), 818.

**Ennis**

Account against Army (cases of W. Meehan and J. Kerin), 1189, 1190.  
Accounts against Army (case of various traders), 718.  
Compensation (Pre-Truce) Claim (case of late P. Morrissey), 1478.  
Internees' Detention (case of M. Keane and P. MacNamara), 1589.  
Kidnapping (case of Mrs. Crowe), 171.  
Ordnance Office: Occupation by civilian tenants, 1579.

**Ennistymon**

Old Age Pension Claims Disallowed (case of Mrs. W. Hehir and John Shannon), 1184-6.

19th Sept.—14th Dec.

**Ennistymon—cont.**

Compensation (Pre-Truce Awards), 1179.  
 Internees : Detention of (case of J. MacMahon and T. Gallagher), 996.

**Esmonde, Osmond Grattan**

Nomination of Minister for Local Government, 207.

**Estate (De Clifford), Mayo**

(De Clifford), Mayo : Division of, 710.

**Estates, Moate**

Moate : Division of, 1723.

**Everett, James**

Auctions : Interference with ; Wicklow (Adjournment Debate), 136, 137.

**Evicted Tenants**

Claims under Land Act, 1265-8.

**Executive Council**

Appointment of, 138.  
 Nomination and Appointment of Members of, 33, 209.  
 Nomination and Election of President of, 11, 16, 33.

**Expiring Laws Bill, 1923 :**

1 S., 1279.  
 2 S., 1621.  
 Com. S., 1724.  
 Rep. S., 1724.  
 5 S., 1724.

**Export**

Grading of Butter and Eggs for, 1373.

**Ex-Service**

(British) Men's Houses, 449.  
 (British) Men's Houses in Cobh, 547.  
 (British) Men, Housing Accommodation for, 727.  
 (British) Men's Premises, Commandeered for Garda Síochána, Fermoy, 1718.

**Ex-Soldiers'**

Claim for Pension : Naas (case of P. Gibbons), 997.  
 Unstamped Insurance Cards, 1380.

**External Ministries**

(See Non-Executive Council Ministries).  
 Appointment of, 627.

**Faolte, Sean de (See also White, J.)**

Donegal-Derry Border : Traffic Regulations, 1611.  
 Fisheries Patrol Boat Operations (Tirconail Coast), 1582.  
 Tirconail Fisheries (Poaching by Foreign Trawlers), 274-6.  
 Tirconail Mental Hospital (Audit), 1585.

**Farm Labour Dispute**

Waterford : (Reported Outrages), 432.

**Farmers**

Loans by Board of Works to, 168, 447.

**Farm Seized**

Geashill (case of I. C. Gibson), 985.

**Fee Farm Rents**

Redemption of, 1264.

**Fermoy**

Commandeered Premises for Garda Síochána, 1718.

**Fermoy-Cork**

Cork : Transport Facilities, 1855.

**Fermoy**

Military Barracks : Reconstruction of, 441.  
 Motor Car Commandeered (case of Dr. C. Molan), 725.

**Fethard**

Postman's Transfer (case of J. Aherne), 448.

**Fiddown**

Railway Bridge : Reconstruction of, 1476.

**Figgis, Darrell**

Appointment of Sessional Selection Committee, 84.  
 Army Officers' Pay and Allowances, 715.  
 Arrest and Dismissal of Civil Servant (case of R. A. Johnson), 1576.  
 Broadcasting Licenses ; proposals for granting of, 145.  
 Business of the Dáil (Courts of Justice Bill : Governor-General's Address), Procedure, 184-5.  
 Business of the Dáil (Governor-Generals' Address), 18.  
 Business of the Dáil (Governor-General's Address and Adjournment of Dáil), 683, 686, 687, 690.  
 Business of the Dáil (Orders of the Day), 17.  
 Business of the Dáil (Various), 1090, 1091.  
 Canal Commission Report : Circulation of Copies, 1382, 1479.  
 Civil Service Regulation (No. 2) Bill, 1923 : 4 S., 1362.  
 Commission Reports : Circulation of, 901.  
 Com. to Recommend Non-Executive Council Ministers ; Rep. of, 198, 199.  
 Courts of Justice Bill, 1923 :  
   Com. S., 230, 231, 232, 241, 256, 267, 303-6-9, 341-2, 393, 408, 479, 483, 508, 509, 510, 517, 549, 560, 562, 601, 609.  
   Re-Committed, 1283-5, 1295, 1348.  
   4 S., 1353 ; 5 S., 1629.  
 Motion to Commit to Special Committee, 224.  
 Demobilisation of Army Officers (Details of Scheme), 716.  
 D.M.P. Detectives' Authority for Search and Arrest, 1929.  
 Dublin Corporation : Petition to Dáil, 1003.  
 Dublin Money-lenders' Rate of Interest, 541.  
 Dublin : Unemployment, 1611.  
 Electricity Commissioners : Appointment of, under Electricity Supply (British) Act, 75.

19th Sept.—14th Dec.

**Figgs, Darrell—cont.****Expiring Laws Bill, 1923 :**

2 S., 1623.

**Fiddown Railway Bridge : Reconstruction of, 1477.****Fisheries Bill, 1923 :**

2 S., 1176.

**Governor-General's Address : Debate on Amendment to Motion, 806, 873.****Governor-General's Address : Debate on Resolution of Thanks, 750.****Green Street Courthouse Staff : number, salaries, and duties of, 1450.****Income Tax on Foreign Securities held by Irish Charities, 1372.****Irish Mercantile Flag : Establishment of, 815.****Judicial System : Existing and Proposed ; Cost of, 170.****Legislation : method of notifying Deputies of future, 811.****Local Authorities (Indemnity) Bill, 1923 : 4 S., 1482.****Local Elections Postponement (Amendment) Bill, 1923 :**

1 S., 734.

**Local Government Inspectors : Number and Salaries, 1004.****Military Motors : Registration and Identification of, 77.****Ministers and Secretaries Bill, 1923 :**

2 S., 929, 957, 961, 962, 963, 972, 1011.

Com. S., 1394-5, 1406, 1419, 1441 to 1449, 1488, 1495 to 1511, 1533, 1543-5, 1555, 1562-3, 1635, 1650, 1661, 1600, 1667, 1726, 1744, 1770 to 1774, 1781, 1782.

Business of the Dáil, 1938.

**Non-Executive Council Ministers, 60.****Oireachtas Members' Income Tax (deductions off), 984.****Oireachtas : Permanent Accommodation for, 167.****Registration of Irish-British Treaty at Geneva, 139.****Report of Joint Committee on Private Bill Procedure, 738-9.****Post Office Savings Certificates : Number and Total Amount of, 144.****Second Report of Joint Committee on Private Bill Standing Orders, 1281.****Selection of Special Committees (Instruction re), 156.****Tirconail : Poaching by Foreign Trawlers, 275.****Touring Cars used by Army (Numbers, Types, and Duties), 1269, 1271.****Transfer of Services to Provisional Government, 729.****Transport and Communications Bill, 1923 : 2 S., 1687.****Wireless Broadcasting : Motion to Appoint Committee of Inquiry, 1983, 1984.****Wireless Broadcasting (suggested Discussion of Memo), 1584.****Financial Situation****Statement on, by Minister for Finance (in Debate on Governor-General's Address), 661.****Firearms Seized by Volunteers (Pre-Truce)****Restoration of, 1377.****Fiscal Inquiry Committee Report****Circulation of, 901.****And Duties Levied under Safeguarding of Industries (British) Act, 71.****Fisheries Bill, 1923**

1 S., 729.

2 S., 1169.

Com. S., 1362, 1384.

4 S., 1590.

5 S., 1590.

**Fisheries****Minister for : Appointed, 627.****Patrol Boat Operations (Tirconail Coast), 1582.****Poaching by Foreign Trawlers, Tirconail, 274.****Fishing Facilities****Golcen and Crookhaven, 1187.****Fishing****(illegal) off Tirconail (Adjournment Debate), 529.****(illegal) off Tirconail (Notice of Adjournment Debate), 454.****Fishing Industry****Debate, Amendment to Motion on Governor-General's Address, 1025.****Fitzgerald, Desmond, Minister for External Affairs****Courts of Justice Bill, 1923 : 2 S., 86.****Curragh : Management of, Salaries of Rangers, etc., 983.****Dáil Éireann Loans and Fund Bill, 1923 : 1 S., 1195.****Imperial War Graves Commission. Saorstát Representative, 984.****Local Elections Postponement (Amendment) Bill, 1923 : 2 S., 1202.****Local Government Electors Registration Bill, 1923 : 2 S., 1200.****Ministers and Secretaries Bill, 1923 :**

Com. S., 1397 to 1402, 1413.

Money Resolution, 1389.

**Nominated (and Appointed) Minister for External Affairs, 33, 52.****Oireachtas Members' Income Tax (deductions off), 984.****Saorstát Officials Salaries (from British Government), 984.****Flag****Irish Mercantile : Establishment of, 815.****Flooding of the Barrow****Distress caused by, 1721.****Food and Drugs****Appointment of Inspectors of, 73.****Foot and Mouth Disease****In Great Britain (closing Ports against Irish Live Stock), 1191.**



19th Sept.—14th Dec.

**Foot and Mouth Disease—cont.**

Preventive precautions (adjournment debate), 1591.

Preventive precautions (notice of adjournment debate), 1479, 1590.

**Forces of Provisional Government**

Payment of accounts against, 1272.

**Forthcoming Legislation**

Method of acquainting Deputies of, 811.

**Friday Sitzings of Dáil Éireann, 187.****Furniture of Barracks**

Transferred from British authorities, 175.

**Game and Wild Fowl**

Protection of, 1085.

**Gaming Bill, 1923**

1 S., 736.

2 S., 1167.

Com. S., 1279.

4 S., 1280.

5 S., 1280.

**Gangers**

Re-employment by Congested Districts Board, 1811.

**Gárda Síochána (See also Civic Guard)**

and R.I.C. (comparison of strength and salaries), 429.

Barracks, Rent of: Killee, 1478.

Commandeered premises: Drimoleague, 1587.

Commandeered premises: Fermoy, 1718.

Replacement of Military by: Oldcastle, 1473.

**Geashill**

Farm seized (case of I. C. Gibson), 985.

**General Election**

List of Writs for: Issued to Returning Officers, 3.

**General Prisons Board**

Overtime pay of warders, 726.

**Gibbons, John (See also MacGloibúin, S. P.)****Glasgow Man's Arrest**

(Case of C. Frieze), 351.

**Glasthule**

Compensation claim (case of C. O'Toole), 905.

**Goleen (and Crookhaven)**

Fishing facilities, 1187.

**Good, John**

Civil Service Regulation (No. 2) Bill, 1923: Com. S., 1242.

Coffee essences, Embargo on, 812.

Courts of Justice Bill, 1923:

Com. S., 466, 468, 469, 551 to 574, 582-3, 595, 617.

**Good, John—cont.**

Customs arrangements at Dun Laoghaire (adjournment debate), 1711, 1714.

Governor-General's address: Debate on resolution of thanks, 1122.

Income tax on investments in Great Britain, 425.

Judicial system, existing and proposed: Cost of, 169.

Ministers and Secretaries Bill, 1923: Com. S., 1425-9, 1434.

National Education Commissioners: Appointment of and qualifications, 446.

Unemployment problem: Debate on motion, 2005, 2013.

**Gorey, Denis J.**

Anti-Treaty Deputies, Position of: Notice to raise matter on the adjournment, 17.

Anti-Treaty Deputies: Position of (adjournment debate), 20, 32.

Appointment of Sessional Selection Committee, 84.

Auctions, interference with: Wicklow (adjournment debate), 136, 137.

Barley growing in Saorstát (adjournment debate), 124.

Barrow River flooding, 1722.

Business of the Dáil (debate on Governor-General's address), 688 to 693.

Business of the Dáil (various), 1091-2.

Civil Service Regulation (No. 2) Bill, 1923: Com. S., 1241.

Committee to Recommend Non-Executive Council Ministers: Report of, 197, 200.

Courts of Justice Bill, 1923:

Com. S., 243, 301, 493 to 498, 510, 582.

Curragh, Management of (salaries of rangers, etc.), 983.

Dáil Éireann Loan and Funds Bill (business of the Dáil), 1481-2.

Fiddown Railway bridge, Reconstruction of, 1477.

Fisheries Bill, 1923: 2 S., 1177-8.

Foot and mouth disease: Preventive precautions (adjournment debate), 1591, 1595.

Foot and mouth disease: Preventive precautions (notice of adjournment debate), 1479, 1590.

Gaming Bill, 1923: 2 S., 1167.

Geashill: Seizure of land (case of I. C. Gibson), 985.

Governor-General's address: Debate on amendment to motion, 799, 1033.

Debate on resolution of thanks, 761, 1126, 1139.

Land Act: Power to review sales, 446.

Local Authorities (Indemnity) Bill, 1923: 2 S., 1214.

Local Elections Postponement (Amendment) Bill, 1923: 1 S., 736.

Longford: Commandeered motor cars, 1273.

Minister for Fisheries, Nomination of, 203-4.

Ministers and Secretaries Bill, 1923:

2 S., 935.

Com. S., 1402, 1486, 1517, 1649, 1730, 1829.

(Business of the Dáil), 740.

Non-Executive Council Ministries, 53.

Postmaster-General: Nomination of, 208.

Privilege, question of: Newspaper reports, 909, 914, 915.

19th Sept.—14th Dec.

**Gorey, Denis J.—cont.**

- Public Safety (Powers of Arrest and Detention) Temporary Bill, 1923: 2 S., 1957, 1979.
- Rents and annuities arrears: Payment of, 1933.
- Saorstát's industrial position (adjournment debate), 124.
- Sessional Committee of Selection (business of the Dáil), 160, 161.
- Transport and Communications Bill, 1923: 2 S., 1806, 1846, 1869, 1878.
- Unemployment problem: Debate on motion, 2006.

**Gormanstown**

- Detention of Ennistymon internees (case of P. MacMahon and T. Gallagher), 996.

**Gort**

- Account against Army (case of J. O'Donohoe), 1276.
- Compensation claim (case of D. McCarthy), 904.
- District Council: Amalgamation scheme, 1814.
- Rural District housing scheme, 1815.

**Governor-General's Address**

- Amendment to Motion:
  - (Education and old age pensions), 764, 819, 885.
  - (Fishing industry), 1025.
  - (Old age pensions), 885.
- Debate on amendment to motion, 819.
- Debate on (business of the Dáil), 164, 184-5, 276.
- Debate on resolution of thanks, 151, 212, 627, 749, 1092.
- (Statement on the Saorstát financial situation by Minister for Finance), 661.
- To Meeting of Oireachtas (See Appendix at end of volume).

**Governor-General's**

- Approval of nominations of Executive Council, 138.
- Proclamation convening Oireachtas, 1.

**Grading of Butter and Eggs**

- For export, 1375.

**Graziers as Tenants**

- Longford estates (and provisions of Land Act of 1923), 443.

**Greenore**

- Customs facilities, 703.
- Dutiable imports traffic, 1261.

**Green Street Courthouse**

- Accommodation for legal practitioners, 1085.
- Number, salaries and duties of staff, 1450.

**Hall, David**

- Athboy: Arrest (case of J. McCormack), 986.
- Ballivor: Army dependents' allowance (case of Mrs. J. Kiernan), 1188.

**Hall, David—cont.**

- Ballivor: Army dependents' allowances (case of W. McKeon), 995.
- Beauparc: Compensation for commandeered bicycle (pre-Truce), 1616.
- Expiring Laws Bill, 1923: 2 S., 1622.
- I.R.A.: Pre-Truce claims for injuries to, 1617.
- Meath Co. Council employees insurance, 424.
- Meath: Noxious weeds in, 711.
- Navan: Account against Army (case of J. Malone), 1474.
- Navan: Arrests (case of J. Clarke, J. Caffrey and P. Matthews), 720.
- Navan: Charges against prisoners from (cases of J. Clarke, J. Caffrey, P. Matthews), 1187.
- Oldcastle: Replacement of Military by Garda Síochána, 1473.
- Release of political prisoners, 1616.
- Scariff, Co. Clare: Claim against Volunteers (case of J. O'Donohoe), 1934.
- Unemployment problem: Debate on motion, 1995.
- Volunteer police: Compensation for, 451.

**Harbour Board, Cork**

- Account due by military, 1581.

**Hare Park Camp.**

- Treatment of prisoners (case of Ald. C. Murphy), 434.

**Harristown, Co. Kildare**

- Dependents' allowance (case of P. Allison), 1614.

**Haulbowline Dockyard**

- Canteen (transfer of licence), 621.
- Discharged employees, 1381.

**Hayes, Michael (See also Ceann Comhairle, Speaker, and Ó hAodha, M.)**

- Elected Ceann Comhairle, 9.
- Selection of constituency by, 9.

**Heffernan, Michael R. (See also Ó hÍfearnain, M. R.)**

- Courts of Justice Bill, 1923: Com. S., 517.
- Fee Farm grants: Land Commission's powers over, 1266.
- Fisheries Bill, 1923:
  - 2 S., 1173.
  - Com. S., 1366.
- Foot and mouth disease (adjournment debate) 1608.
- Governor-General's Address:
  - Debate on amendment to motion, 867.
  - Debate on resolution of thanks, 647, 1119.
- Local Elections Postponement (Amendment) Bill, 1923: 2 S., 1206.
- Ministers and Secretaries Bill, 1923: Com. S., 1393, 1411, 1414, 1498-9, 1505, 1523, 1726, 1732, 1830, 1841 to 1844.
- Transport and Communications Bill, 1923: 2 S., 1880.
- Unemployment problem: Debate on motion, 2021, 2041, 2042.

19th Sept.—14th Dec.

**Hennessy, Michael** (See also **Ó hAonghusa, M.**)  
Transport and Communications Bill, 1923 :  
2 S., 1869.

**Hewat, William**

Abolition of Sunday postal service, 146.  
Civil Service Regulation (No. 2) Bill, 1923 :  
Com. S., 1240.  
Courts of Justice Bill, 1923 : Com. S., 241,  
253, 254, 267, 321, 338, 371, 404, 407,  
408, 420.  
Customs arrangements at Dun Laoghaire  
(adjournment debate), 1711.  
Ministers and Secretaries Bill, 1923 :  
2 S., 959.  
Com. S., 1407, 1441, 1540, 1655, 1662, 1750.  
Nomination of Executive Council, 41.  
Transport and Communications Bill, 1923 :  
2 S., 1467, 1672, 1703, 1789, 1805.

**Hogan, Connor**

Clare : Armed brigade in (notice of adjournment debate), 548.  
Clare Assistant Co. Surveyors (increases of salaries), 1585.  
Clare outrage (kidnapping and flogging of Messrs. McCormack of Doorra), 542.  
College of Science, occupation of, 811.  
Courts of Justice Bill, 1923 :  
Com. S., 236, 527, 584, 603.  
Ennis :  
Account against Army (case of W. Meehan and J. Kerin), 1189, 1190.  
Kidnapping (case of Mrs. Crowe), 171.  
Prisoners (case of M. Keane and P. MacNamara), 1589.  
Ennistymon internees : Detention of (case of P. MacMahon and T. Gallagher), 996.  
Governor-General's address : Debate on amendment to motion, 845.  
Illegal fishing off Tirconail (adjournment debate), 534.  
Internees : Detention of (case of D. Walsh and M. Hennessy, of Lisdeen), 1379.  
Kidnapping in Co. Clare (adjournment debate), 617, 619.  
Kilkee Garda Síochána Barracks : Payment of, 1478.  
League of Nations and Policy of Government, 423.  
Local Elections Postponement (Amendment) Bill, 1923 : 1 S., 735.  
Ministers and Secretaries Bill, 1923 :  
Com. S., 1665, 1728.  
Newpark, Clare : Arrest (case of J. Barron), 452.  
Ordnance Office, Ennis : Occupation by civilian tenants, 1579.  
Shaw Commission awards (question of appeals), 1927.  
Unemployment dole : Payment of for constructive work, 271.

**Hogan, Patrick, Clare** (See also **Ó hOgáin, P., An Clár**)

Governor-General's address : Debate on resolution of thanks, 645.  
Killaloe : Accounts against British Auxiliary Forces, 1471.

**Hogan, Patrick, Clare—cont.**

Local Authorities (Indemnity) Bill, 1923 :  
2 S., 1215.  
Ministers and Secretaries Bill, 1923 :  
Com. S., 1416, 1497.  
Prisoners on hunger strike (adjournment debate), 977.  
Provisional Government forces : Payment of accounts against, 1272.  
Public Safety (Powers of Arrest and Detention) Temporary Bill, 1923 : 2 S., 196<sup>a</sup>, 1963.

**Hogan, Patrick, Minister for Agriculture**

Agriculture, Presentation of Annual Report of Dept. of : Privilege of Dáil, 1089.  
Annuities of re-instated tenants : Clanricarde Estate, 1265.  
Appointed Minister for Agriculture and Non-Executive Council Member, 627.  
Army : Account against : Cork (Harbour Board), 1581.  
Army :  
Claims against by River Slaney users, 1581.  
Purchases by (question of prices), 1580.  
Arrears of rent, and Land Act (1923) terms, 172.  
Barley growing : Encouragement of, 453.  
Adjournment debate, 123.  
Butter and eggs for export : Grading of, 1373.  
Clonakilty Barytes Mines : Closing of, 1474.  
Com. to recommend Non-Executive Council Ministers : Rep. of, 201-2.  
Congested District Board : Re-employment of gangers, 1811.  
Crops destroyed by rabbits, 709.  
"Diamond Bog," Co. Kilkenny : Division of, 1932.  
Embargo on Irish live stock (adjournment debate), 893, 897, 899.  
Estate (de Clifford), Mayo (division of), 710.  
Fee farm rents : Redemption of, 1264-7.  
Flooding of the Barrow : Distressed caused by, 1721.  
Foot and mouth disease : Preventive precautions (adjournment debate), 1598, 1608.  
Gaming Bill, 1923 : 1 S., 736.  
Governor-General's address : Debate on amendment to motion, 777 to 787, 829.  
Debate on resolution of thanks, 760, 761, 1063, 1092-3, 1107, 1119.  
Killiney foreshore : Removal of sand from, 1930.  
Land Act, 1923 :  
Abatements under, 622.  
Application Forms in Section 38 of, 1084.  
Claims of evicted tenants under, 1265, 1268.  
Compounded arrears of rent, 625.  
Payment of landlords of purchase price, 721.  
Meaning of "Tenanted Land," 1266.  
Suggested amendment of (re payment of purchase price), 816.  
Land division in Westmeath and Longford, 993.  
Land for division : Ballymore and Moate, 1723.  
Land (untenanted), Mayo : Distribution of, 994.  
Longford Estates : Provisions of Land Act, 1923, re tenanted land, 443.  
Longford Road (to McGregor Estate), 448.

19th Sept.—14th Dec.

**Hogan, Patrick—cont.**

Lynch Blosse Estate : Division of to relieve congestion (Balla), 443.  
 Ministers and Secretaries Bill, 1923 :  
   2 S., 962, 963-4-6.  
   Com. S., 1429, 1435-7, 1447-9, 1646.  
 Moate Estates : Division of, 1723.  
 Noxious weeds in Meath (application of Weeds and Agricultural Seeds Act), 711.  
 Ordnance Office, Ennis : Occupied by civilian tenants, 1579.  
 Position of Anti-Treaty Deputies (adjournment debate), 26.  
 Seed potatoes : Provision of, 993.  
 Public Safety (Powers of Arrest and Detention) Temporary Bill, 1923 : 2 S., 1947, 1963.  
 Recommended and appointed Minister for Agriculture and Non-Executive Council Member, 192, 199.  
 Registration of Trade Marks, 1719.  
 Rent and annuities : Payment of arrears, 1932.  
 Rent : Collection of compounded arrears of, 1267-8.  
 Sales by owners of untenanted land (and Provisions of Land Act), 444, 446.  
 Six-County area, unemployment benefit for ex-National Army soldiers, 1931.  
 Survey Department : Management and administration of, 271.  
 Transport and Communications Bill, 1923 :  
   2 S., 1870, 1871.  
 Turbary rents, Donadea (Kildare), 442.  
 Unemployment Benefit :  
   Alleged delays in payments, 1374-5.  
   Claims (delayed) : Cork, 1473.  
   Discharged soldiers' claim, 1582.  
 Warders' subsistence allowance : Waterford, 708.

**Hogan, Patrick K.** (See also **Ó hOgáin, P. K.**)

**Hospital**

Skibbereen : Roofing material, 1612.  
 Tirconaill Mental (audit), 1585.

**House**

Building subsidies, 1263.  
 Burning at Castlepollard : Compensation claim re, 140.  
 Committee (and Sessional Selection Committee), 83.  
 Committee : Rep. of Sessional Com., 353.  
 Committee : Terms of Reference of, 159.

**Houses**

For British ex-servicemen, 449, 727.  
 For British ex-servicemen in Cobh, 547.

**Housing**

Accommodation, N. Wall (Dublin) : Safeguarding tenants' interests, 142.  
 Gort Rural District, 1815.  
 Policy of Government, 1621.  
 Purchase facilities for town tenants, 143.  
 Schemes : Assisting private builders, 141.

**Hughes, Peter** (See also **O hAodh, a P.**)

Committee to Recommend Non-Executive Council Ministers : Rep. of, 190, 196.

**Hughes, Peter—cont.**

Foot and mouth disease : Preventive precautions (adjournment debate), 1595.  
 Interpretation Bill : Special Committee on, 1480.  
 Minister for Fisheries : Nomination of, 203.  
 Ministers and Secretaries Bill, 1923 :  
   1 S., 190.  
   Com. S., 1431, 1769.  
 Non-Executive Council Ministries, 53.  
 Report of Joint Committee on Private Bill Procedure, 738.  
 Report of Sessional Selection Committee, 354.  
 Second Report of Joint Committee on Private Bill Standing Orders, 1281.  
 Sessional Committee of Selection (Business of the Dáil), 160.

**Hunger Strike**

Newbridge (case of late D. Barry), adjournment debate, 1078.  
 Newbridge : Notice of adjournment debate (case of late D. Barry), 998.  
 Prisoners on (adjournment debate), 972.

**Illegal Fishing Off Tirconaill**

(Adjournment debate), 529.

**Imperial**

Conference and Irish Government policy re League of Nations, 423.  
 War Graves Commission (Saorstát Representative), 984.

**Imported**

Barley, suggested tariff, 453.  
 Coffee essences, embargo on, 812.

**Imports**

Customs clearing facilities at Ports, 705.  
 Dutiable traffic : Greenore, 1261.

**Imprisonment of Trade Union Organiser**

(Case of J. Baird, Kilkenny Jail), 350.

**Income Tax**

Arrears (payment by instalments), 706.  
 Double claims, 1372.  
 On Dominion dividends, 705.  
 On foreign securities held by Irish charities, 1371.  
 On investments in Great Britain, 425.  
 On Oireachtas Members' salaries (deductions off), 983.  
 Refund of overcharges, 706.

**Increase of Rent and Mortgage Interest (Restrictions) Act, 1923**, and N. Wall (Dublin) tenants, 142.

**Industrial Position and Labour Disputes**

Statement by President (adjournment debate) 103.

**Industrial Position**

(And unemployment dole), 271.

**Industrial Situation and Labour Disputes**

Statement by President, 187.

19th Sept.—14th Dec.

**Industries**

Safeguarding of, and Fiscal Inquiry Report, 71.

**Inquest**

Dublin (case of late N. Lemass), 1718.

**Inspectors**

L.G.D. : Number and salaries of, 1001.  
 Of Food and Drugs : Appointment of, 73.  
 Of Taxes (number and cost of staffs), 722.

**Insurance**

Irish policy-holders' interests re City Life Assurance Co., 349.  
 Meath County Council employees, 424.  
 Unemployment benefit : Disqualifications, 1182.

**Insured Persons**

Unemployed in Saorstát : Statistics, 74.

**Interest**

Rate of Dublin moneylenders, 541.

**Interim Grant**

For Intermediate teachers, 169.

**Intermediate Teachers'**

Interim grant, 169.

**Internal Accommodation**

Committee on (Report of Sessional Committee), 353.

**Internes**

Detention of : Ennis (case of M. Keane and P. MacNamara), 1589.  
 Ennistymon, Co. Clare : Detention of (case of P. MacMahon and T. Gallagher), 996.  
 Detention of (case of D. Walsh and M. Hennessy, of Lisdeen), 1379.  
 Release of (case of C. Keane and D. Crowley, Ballincen), 1935.  
 From Cork County : Release of, 1936.  
 Re-arrest of : Cahir (case of J. C. Kendrick, N.T.), 274.

**Interpretation Bill, 1923 :**

1 S., 819.  
 2 S., 1165.  
 4 S., 1821.  
 5 S., 1822.  
 Appointment of Special Committee on, 1480.  
 Report of Special Committee, 1724.

**Irish-British Treaty**

Registration of at Geneva, 139.

**Irish**

Charities : Income tax on foreign securities held by, 1371.  
 Instruction courses : Payment for National teachers attending, 144.  
 Live stock : Embargo on (adjournment debate), 887.  
 Live stock prohibition at British Ports (foot and mouth disease), 1191.  
 Mercantile Flag : Establishment of, 815.

**Irish—cont.**

Ordnance Survey Department : Transfer of engravings and equipment, 72.  
 Sailors and Soldiers Land Trust (British Housing Fund), 727.  
 Slate Quarries : Development of, 543.  
 Transport and General Workers' Union, Waterford : Reported outrages on members, 432.

**I.R.A.**

Claims for Pre-Truce Injuries, 1617.  
 Losses caused by, pre-Truce, 1373.  
 Police debts (case of Messrs. Colbeck, Grehan, Gaul, Dowdall), 997.

**Jewish Citizens**

Murder of : Dublin, 1087.

**Johnson, Thomas (See also MacEoin, T.)**

Agriculture : Presentation of Annual Report of Department of (privilege of Dáil), 1087.  
 Appointment of Committee to Recommend Non-Executive Council Ministers, 65, 66, 67.  
 Appointment of Sessional Selection Committee, 83-4.  
 Auctions : Interference with : Wicklow (adjournment debate), 137.  
 Business of the Dáil (adjournment for Christmas), 1258.  
 Business of the Dáil :  
 Courts of Justice Bill, County Courts Amendment Bill, Licensing Bill, Debate on Governor-General's Address, 164.  
 Courts of Justice Bill, Governor-General's Address, 186.  
 Governor-General's address and adjournment of the Dáil, 685, 687, 690, 691.  
 Orders of the Day, 18.  
 Civil Service Regulation (No. 2) Bill, 1923 :  
 2 S., 747.  
 Com. S., 1217, 1235, 1244.  
 4 S., 1359, 1361.  
 Committee to Recommend Non-Executive Council Ministers : Report of, 194, 202.  
 Courts of Justice Bill, 1923 :  
 Com. S., 264, 268, 282, 287-9, 293, 316 to 329, 338 to 344, 377, 382, 390, 405, 475, 480, 491, 497, 507, 509, 526, 549, 550, 561 to 569, 577 to 591, 600 to 608.  
 Re-committed, 1255, 1285-6, 1301 to 1326, 1337 to 1349.  
 4 S., 1248, 1351 to 1354.  
 5 S., 1627 to 1631.  
 Money resolution, 86.  
 Customs arrangements at Dun Laoghaire (appointment debate), 1708.  
 Director, National Gallery : Appointment of, 1717.  
 Drogheda Meat Factory (suggested re-opening), 1192.  
 Dublin Corporation : Petition to Dáil, 1002.  
 Election of Ceann Comhairle, 10.  
 Election of Committee to Recommend Non-Executive Council Ministers, 80.  
 Embargo on Irish live stock (adjournment debate), 897.  
 Fisheries Bill, 1923 :  
 2 S., 1172-5.  
 Com. S., 1363, 1367.

*19th Sept.—14th Dec.*

**Johnson, Thomas—*cont.***

Foot and mouth disease: Preventive precautions (adjournment debate), 1594.

Gaming Bill, 1923:

2 S., 1168.

4 S., 1279, 1280.

Governor-General's Address:

Debate on amendment to motion, 764, 778, 780, 797, 861, 864, 1137.

Debate on resolution of thanks, 154, 212, 759, 764, 1110, 1121.

Haulbowline: Discharged dockyard employees, 1382.

Interpretation Bill, 1923: 2 S., 1165.

Killiney foreshore: Removal of sand from, 1930.

Land Act, 1923: Suggested amendment of (re payment of purchase price), 816.

Local Authorities (Indemnity) Bill, 1923:

1 S., 908.

2 S., 1207, 1210, 1215.

Local Elections Postponement (Amendment) Bill, 1923:

1 S., 734.

2 S., 1204.

Local Government Electors Registration Bill, 1923: 1 S., 730.

L.G.D. Inspectors: Return of number and salaries of, 1006.

Lough Swilly and Londonderry Railway dispute (adjournment debate), 91.

Lough Swilly and Londonderry Railway dispute (notice to raise matter on the adjournment), 79.

Ministers and Secretaries Bill, 1923:

2 S., 923, 961, 964, 966, 1012, 1022.

Com. S., 1396, 1403, 1417 to 1424, 1435 to 1441, 1499 to 1505, 1520 to 1523, 1533, 1540 to 1566, 1633, 1641, 1646, 1656, 1666, 1669, 1671, 1739 to 1748, 1757, 1772 to 1781, 1829, 1830, 1833, 1839, 1843, 1844, 1845.

(Business of the Dáil), 455, 740.

Nomination of Executive Council, 34, 51, 52.

Non-Executive Council Ministries, 53.

Postal Commission Report, 1821.

President's statement re labour disputes and Storstát's general industrial position (adjournment debate), 110.

Prisoner's death on hunger strike: Newbridge (case of late D. Barry) (adjournment debate), 1079.

Privilege, question of: Newspaper reports, 914.

Public Safety (Powers of Arrest and Detention) Temporary Bill, 1923:

1 S., 1624-5.

2 S., 1947 to 1956, 1961 to 1969, 1976. (Business of the Dáil), 1938.

R.I.C., resigned and dismissed: Compensation regulations (Business of the Dáil), 2049, 2051.

Sessional Committee of Selection (Business of the Dáil), 161.

Tirconail: Poaching by foreign trawlers, 275.

Transport and Communications Bill, 1923:

1 S., 1196.

2 S., 1453, 1683, 1684, 1699, 1700, 1702, 1703, 1807, 1883, 1910.

Unemployment:

Insurance benefit: Discharged soldiers' claim, 1582.

**Johnson, Thomas—*cont.***

Unemployment—*cont.*

Problem: Debate on motion, 2022, 2032, 2039.

Relief of, 1183.

**Joint Committee**

On Private Bill Procedure: Report of, 737.

On Private Bill Standing Orders:

Report of, 1078.

Second Report of, 1280.

**Joint Sitting**

Of Dáil Eireann and Seanad Eireann: Governor-General's address (see Appendix at end of volume),

**Journals of the House**

Printing of, 17.

**Judicial System**

Existing and proposed cost of, 169.

**Kennedy, Hugh, Attorney-General**

Courts of Justice Bill, 1923:

Com. S., 457 to 518, 528, 548 to 607, 611 to 616.

Re-committed, 1249 to 1258, 1282 to 1300, 1313 to 1350.

4 S., 1248, 1351.

5 S., 1625 to 1632.

Elected for Borough of Dublin South, 454.

Expiring Laws Bill, 1923:

1 S., 1279.

2 S., 1621, 1623.

Fisheries Bill, 1923: 2 S., 1173.

Interpretation Bill, 1923:

1 S., 819.

2 S., 1165-7.

4 S., 1821.

5 S., 1822.

Ministers and Secretaries Bill, 1923:

2 S., 967, 1007, 1010, 1012.

Com. S., 1420, 1425, 1433-6-9, 1444-5, 1498 to 1505, 1532 to 1551, 1565 to 1568, 1634, 1655, 1670, 1725-6, 1741-2, 1760 to 1763, 1777, 1782, 1832 to 1845.

Public Safety (Powers of Arrest and Detention) Temporary Bill, 1923:

S., 1974, 1976.

**Kerry**

Soldiers killed in: Burial of, 176.

**Keogh, Myles**

Ministers and Secretaries Bill, 1923:

Com. S., 1415.

**Kidnapping**

And flogging: Clare (case of Messrs. McCormack of Doora), 542.

Clare (adjournment debate), 617.

Ennis (case of Mrs. Crowe), 171.

**Kilcock**

Request for telephone facilities, 722.

**Kilbeggan**

Shaw Commission award (case of J. J. McGuinness), 1809.

19th Sept.—14th Dec.

**Kilcullen**

- Claim for wound pension (case of Pte. P. Doyle), 1189.
- Claim for unemployment benefit (case of P. Flanagan), 349.

**Kildare**

- Account against Army (case of L. Berns), 907.
- Account against Army (case of J. Higginbottom), 813.
- Account against Civic Guard (case of L. Berns), 903.
- Curragh management (salaries of rangers, etc.), 983.
- (Donadea), Turbary rents, 442.
- Postwoman's transfer (case of Miss L. Dunne), 989.
- Rate Collector's pension, 173.

**Kilkee**

- Rent of Gáda Síochána Barracks (payment of), 1478.

**Kilkenny**

- (and Callan): Obstruction by strike pickets, 170.
- Arrest (case of J. Baird, I.T.W.U.), 350.
- Division of "Diamond Bog," 1932.

**Killaloe**

- Accounts against British Auxiliary Forces, 1471.
- Military Barracks: Compensation for boy's death in (case of late P. Lewis), 719.

**Killenaule**

- Repair of telegraph wires, 1086.

**Killester**

- Public lighting and scavenging facilities, 1183.
- School requirements, 988.

**Killiney Foreshore**

- Removal of sand, 1929.

**Killybegs and Lough Foyle**

- Poaching by foreign trawlers, 274.

**Kilmeague (Kildare) Postwoman's Transfer**

- (Case of Miss L. Dunne), 989.

**Kilrush**

- Account against Army (case of Mrs. B. Dunne), 1590.
- Commandeered premises, 1180, 1935.
- Compensation (pre-Truce) claim (case of M. Crotty), 1576.

**Labourers' Cottages Scheme**

- Gort, 1815.

**Labour Disputes**

- And Industrial Situation (statement by President), 187.
- And Industrial Position: Statement by President; adjournment debate, 103.

**Labour (Farm) Dispute, Waterford**

- Outrages reported, 432.

**Lahinch**

- Compensation (pre-Truce) awards, 1179.

**Land Act, 1923:**

- Abatements and reductions, 622.
- Claims of evicted tenants under, 1265, 1268.
- Compounded arrears of rent, 625.
- Meaning of "Tenanted Land," 1266.
- Payment of landlords, 721.
- Provisions of re sales by owners of untenanted land, 444.
- Provisions re tenanted land (re graziers and tenants, Longford estates,) 441.
- Section 38: Copies of forms for application to Land Commission, 1084.
- Suggested amendment of (re payment of purchase price), 816.
- Terms, and arrears of rent, 172.

**Land**

- Commission advances: Prescribed form re Section 38 of Land Act, 1084.
- Division of "Diamond Bog," Kilkenny, 1932.
- Division: Westmeath and Longford (for small holders), 993.
- Payment of purchase price of land, 721.
- Payment of rents and annuities on, 1932.
- Seized: Geashill (case of I. C. Gibson), 985.
- Trust scheme: Houses for British ex-servicemen, 449.
- (Untenanted), distribution: Mayo, 993.

**League of Nations**

- And Government policy, 423.

**Leas-Cheann Comhairle (See O'Malley, P., Deputy-Speaker, and Ceann Comhairle, and Leas-Cheann Comhairle—Rulings)**

- Election of, 81.

**Legal Practitioners**

- Accommodation for: Green Street Court-house, 1085.

**Legislation**

- Method of acquainting Deputies of forthcoming, 811.

**Letter Deliveries in Rural Districts**

- (Charges for Sunday deliveries), 1375.

**Letterfrack**

- Account against Army (case of T. Curley), 1379.

**Letterkenny**

- Mental Hospital (audit), 1585.

**Licences**

- (Broadcasting): Proposals for granting of, 143.

**Licensing (Renewal of Licences) Bill, 1923:**

- 1 S., 155.
- 2 S., 210.
- Com. S., 358.
- Rep. S., 358.
- 5 S., 358.
- (Business of the Dáil), 164, 277.

19th Sept.—14th Dec.

**Lists of Electors**

Official remuneration, 1813.

**Live Stock**

Embargo on Irish (adjournment debate), 887.  
Embargo on Irish (notice of adjournment debate), 818.

**Loan**

Finance Minister's statement on the, 1619.  
Statement re proposed National, 1192.

**Loans**

(Local) to farmers by Board of Works, 168, 447.

**Local Administration**

Control of, 1373.

**Local Authorities (Indemnity) Bill, 1923 :**

1 S., 907.  
2 S., 1206.  
Com. S., 1482.  
4 S., 1482.  
5 S., 1486.

**Local Elections Postponement (Amendment) Bill, 1923 :**

1 S., 732.  
2 S., 1200.  
Com. S., 1387.  
4 S., 1387.  
5 S., 1387.

**Local Government**

(Collection of Rates) Bill, 1923 : 1 S., 1822.  
Electors Registration Bill, 1923 :

1 S., 730.  
2 S., 1199.  
Com. S., 1387.  
4 S., 1387.  
5 S., 1387.

Minister for: Appointed, 627.

Return of number and salaries of Inspectors, 1004.

**Londonderry and Lough Swilly Railway**

Dispute (adjournment debate), 91.

**Longford**

Account against Army (case of A. Farrell), 1816.

County Council accounts (auditing of, and surcharges), 544.

Estates : Graziers as tenants, 443.

Road : Completion of, 448.

**Longford-Westmeath**

Land division (for small holders), 993.

**Lough Foyle and Killybegs**

Poaching by foreign trawlers, 274.

**Luggage**

Examination at Dun Laoghaire, 1612.

**Lynch-Blosse Estate**

Balla, Co. Mayo, 443.

**Lynch, Finian, Minister for Fisheries**

(See also Ó Loingsigh, F.)

Appointed Minister for Fisheries and Non-Executive Council Member, 627.

**Army**

Account against: Tralee (case of D. McMahon), 1475.

Account against (case of J. Malone, Navan), 1475.

Commandeered premises : Kilrush, 1180.

Committee on Procedure and Privileges :

Terms of reference, 157.

Compensation (pre-Truce) awards : Clare, 1179.

Courts of Justice Bill, 1923 : Com. S., 230.

Fisheries Bill, 1923 :

2 S., 1170, 1174-6-7.

Com. S., 1370, 1384.

4 S., 1590.

5 S., 1590.

**Fisheries :**

Patrol boat operations (Tirconaill coast), 1583.

Tirconaill (poaching by foreign trawlers), 275-6.

Fishing facilities : Golcen and Crookhaven, 1187.

Governor-General's address : Debate on amendment to motion on, 1047.

Illegal fishing off Tirconaill (adjournment debate), 537.

Intermediate Teachers' Interim Grant, 169.

Non-Executive Council Ministries, 57.

Recommended and appointed Minister for Fisheries and Non-Executive Council Member, 192, 203.

Schools, Repairs of : Belvelly (Co. Cork), 1586.

Selection of Special Committees (instruction re), 156.

Unemployment insurance benefit : Disqualifications, 1182.

Unemployment : Relief of, 1183.

**Lyons, John (See also Ó Laidhin, S.)**

Nomination of Executive Council, 46.

Position of Anti-Treaty Deputies (adjournment debate), 27.

Transport and Communications Bill, 1923 : 2 S., 1900.

Unemployment problem : Debate on motion, 2009.

**"Lytton Entrants"**

To Civil Service, 1575.

**MacCarthaigh, Domhnall (See also McCarthy, D.)**

Jewish Citizens : Murder of : Dublin, 1087.

**MacCosgair, Seumas (See also Cosgrave, J.)**

Ballinasloe : Compensation for shooting fatality by Military (case of late P. Barrett), 1274.

Belturbet : Compensation for shooting of Civic Guard (case of late M. Lyons), 1381.

Meelick : Account against Army (case of T. Duane), 1190.

Old age pension claims and destroyed Census Records, 1185.



19th Sept.—14th Dec.

**MacCosgair, Seumas—cont.**

Re-instated tenants: Clanricarde Estate (reduction of annuities), 1264.

**MacEoin, Tomás** (See also **Johnson, T.**)

Athlone: Land (for proposed Saw Mills), 433.  
Ballybay: Bicycle and camera seized (case of J. Ridgeway), 176.

City Life Assurance Company, Ltd (and Irish policy-holders), 349.

Dublin (North King Street): Arrest (case of J. Healy), 178.

Food and Drugs: Appointment of Inspectors of, 73.

Glasgow man's arrest (case of C. Frieze), 351.

Greenore customs facilities, 703.

Greenore: Imports dutiable traffic, 1261.

National Loan: Commuting Civil Service pensions for, 997.

Payment to landlords of purchase price of land, 721.

Rathmines claim for compensation against Army (case of N. H. Walsh), 276.

Revenue from patent medicines, 707.

Soldiers killed in Kerry: Burial of, 176.

Unemployment insurance benefit for discharged soldiers, 1271.

Unemployment insurance in Saorstát: Statistics, 74.

**MacFheorais, Risteárd** (See also **Corish, R.**)

River Slaney users: Claims against Army, 1581.

Wexford: Account against Army (case of Messrs. Sinnott), 1589.

**MacFlannchadha, Pdraig** (See also **Claney, P.**)

Croom District Council's complaint re medical officer, 174.

**MacGlobáin, Seán P.** (See also **Gibbons, J.**)

Armistice Day celebrations (and National Army), 994.

Fee Farm rents: Redemption of, 1264.

Governor-General's address: Debate on resolution of thanks, 1152.

Land Act, 1923: Meaning of "Tenanted Land," 1266.

Saorstát officials' salaries (from British Government), 984.

**MacGlollagáin, Pdraig** (See also **McGilligan, P.**)

Elected Deputy for National University, 998.

**MacLiam, Risteard** (See also **Wilson, R.**)

Gárda Síochána and R.I.C.: Strength and salaries (comparison of), 429.

Recovery of seized shot-guns (pre-Truce period), 76.

**MacNeill, Eoin, Minister for Education**

Appointed Minister for Education, 209.

Commissioners of National Education, 446.

Governor-General's address: Debate on amendment to motion, 860.

Intermediate Teachers' Interim Grant, 196.

Killester school requirements, 988.

National teachers attending Irish courses:

Payment of, 144.

**MacNeill, Eoin—cont.**

Nominated (and appointed) Minister for Education, 33, 52.

Schoolhouse damaged: Ballinalee (pre-Truce damage), 987.

Schools, Repair of: Belvelly (Co. Cork), 1586.

Selection of constituency by, 150.

**MacNiocaill, Seoirse** (See also **Nicholls, G., and Acting-Chairman**)

Compounded arrears of rent (re working of 1923 Land Act), 625.

Governor-General's address: Debate on resolution of thanks, 153.

**MacSloghaírd, Liam** (See also **Sears, W.**)

Mayo untenanted lands: Distribution of, 993.

**Mag Aonghusa, Liam** (See also **Magennis, Wm.**)

Secondary teachers' grievances, 541.

**Magennis, William** (See also **Mag Aonghusa, L.**)

Civil Service Regulation (No. 2) Bill, 1923: Com. S., 1217, 1223, 1237, 1243.

Courts of Justice Bill, 1923:

Com. S., 232 to 238, 243, 246, 248, 255 to 264, 287, 290, 308-9, 316, 321 to 328, 335, 339 to 345, 365-6, 374-5, 388 to 400, 411 to 417, 466 to 475, 488 to 511, 553-4-5, 567, 589 to 603.

Re-committed, 1257-8, 1306, 1311, 1317.

Governor-General's address: Debate on resolution of thanks, 1157.

Ministers and Secretaries Bill, 1923:

Com. S., 1514, 1526, 1667.

Nomination of President of the Executive Council, 14.

Public Safety (Powers of Arrest and Detention) Temporary Bill, 1923: 2 S., 1, 152.

**Mag Ualghairg, Pdraig S.**

(See also **McGoldrick, P.**)

Courts of Justice Bill, 1923: Com. S., 379.

**Maryborough** (See **Portloughise**)**Maynooth**

Account against Army (case of J. Fulham), 452.

**Mayo**

De Clifford Estate: Division of, 710.

Estate: Request for division of to relieve congestion, 443.

Land (untenanted), distribution, 993.

Payment of election officials, 1476.

**McBride, Joseph**

Governor-General's address: Debate on amendment to motion on, 1041.

Debate on resolution of thanks, 643.

Illegal fishing off Tirconail (adjournment debate), 533.

Ministers and Secretaries Bill, 1923: Com. S., 1449, 1450.

Non-Executive Council Ministries, 56.

**McCabe, Alexander**

National University representation: Writ to fill vacancy, 278.

19th Sept.—14th Dec.

**McCarthy, Daniel** (See also **MacCárthaigh, D.**)  
Committee to Recommend Non-Executive Council Ministers: Report of, 196.  
Motion for Writ for election of Deputy for Dublin City, South, 150.  
National University representation: Writ to fill vacancy, 278.  
Second Report of Joint Committee on Private Bill Standing Orders, 1281.

**McFadden, Patrick**

Illegal fishing off Tirconail (adjournment debate), 536.

**McGarry, Sean**

Nomination of Executive Council, 41.

**McGilligan, Patrick** (See also **MacGiollaigain, P.**)

Courts of Justice Bill, 1923: Re-committed, 1305.  
Elected Deputy for National University, 998.  
Ministers and Secretaries Bill, 1923: Com. S., 1518.

**McGuldrick, Patrick** (See also **Mag Ualghairg, P. S.**)

Courts of Justice Bill, 1923:  
Com. S., 338, 518, 525, 599.  
Re-committed, 1314.  
Money resolution, 89.  
Derry and Lough Swilly Railway dispute (adjournment debate), 95.  
Fisheries Bill, 1923: Com. S., 1367.  
Governor-General's address: Debate on amendment to motion on, 1045.  
Illegal fishing off Tirconail (adjournment debate), 535.  
Ministers and Secretaries Bill, 1923: 2 S., 1019.

**McGrath, Joseph, Minister for Industry and Commerce**

City Life Assurance Company, Ltd. (and Irish policy-holders), 349.  
Clonakilty Barytes Mines: Closing of, 1474.  
Derry and Lough Swilly Railway dispute (adjournment debate), 101.  
Electricity Commissioners, under Electricity Supply (British) Act, 75.  
Irish Mercantile Flag: Establishment of, 815.  
Irish Slate Quarries: Development of, 543.  
Killiney foreshore: Removal of sand from, 1930.  
Nominated (and appointed) Minister for Industry and Commerce, 33, 52.  
Public Works and Athlone lands (request for leasing re proposed Saw Mills), 433.  
Railways: Baronially guaranteed (dividends of), 712.  
Registration of Trade Marks, 1719.  
Unemployed benefit for ex-National Army soldiers in Six-County area, 1931.  
Unemployment benefit: Alleged delayed payments, 1374-5.  
Unemployment benefit claims:  
Clonmel district, 1578.  
Dunmanway (case of J. J. Burke), 903.  
Kilcullen (case of P. Flanagan), 350.  
Cork, 1473.  
Of discharged soldier (case of Corporal Mullaly), 624.

**McGrath, Joseph—cont.**

Unemployment Insurance benefit: Disqualifications, 1182.  
Unemployment Insurance Cards of Cork road workers, 172.  
Unemployment Insurance contributions: Claim for refund: Curragh, 1579.  
Unemployment Insurance in Saorstát: Statistics, 74.  
Unemployment: Relief of, 1183.

**McKenna, Patrick**

Athlone: Account against Army (case of J. Campbell), 1816.  
Embargo on Irish live stock (adjournment debate), 888.  
Embargo on Irish live stock:  
(Notice of adjournment debate), 818.  
Governor-General's address: Debate on resolution of thanks, 1158.  
Kilbeggan: Shaw Commission award (case of J. J. McGuinness), 1809.  
Loans to farmers (re improvement of dwellings and out-offices), 447.  
Longford:  
Account against Army (case of A. Farrell), 1816.  
Commandeered motor cars, 1273.  
County Council accounts, 544.  
Estates: Graziers as tenants, 443.  
Road: Completion of, 448.  
Ministers and Secretaries Bill, 1923: Com. S., 1756.  
Transport and Communications Bill 1923: 2 S., 1891.

**Meath**

Application of Weeds and Agricultural Seeds (British) Act, 711.  
County Council employees insurance, 424.  
Prisoners (case of J. Clarke, J. Caffrey and P. Matthews of Navan), 720.

**Medical Officer for Carlow County Home**  
(Postponed election of), 1613.**Medicines (Patent)**

Revenue from, 707.

**Meslie**

Account against Army (case of T. Duane), 1190.

**Meeting Proclaimed**

Droichead Nua (reasons for), 985.

**Meetings, Public**

O'Connell Street, Dublin (causing obstruction), 543.

**Mental Hospital**

Tirconail (audit), 1585.

**Mercantile Flag**

Establishment of Irish, 815.

**Military**

Barracks: Reconstruction of: Fermoy, 441.  
Meat contracts (Dublin), 177.  
Motor vehicles: Registration and identification of, 77.  
Purchases: Question of prices, 1580.

19th Sept.—14th Dec.

**Milroy, Seán**

Boundary Commission : Frontiers between Saorstát and N.E. Ulster (adjournment debate), 693.

(Notice of adjournment debate), 626.

Business of the Dáil (Governor-General's address and adjournment of Dáil), 686.

Governor-General's address : Debate on resolution of thanks, 656.

Ministers and Secretaries Bill, 1923 :

2 S., 1013.

Com. S., 1645-7, 1769 to 1773.

Position of Anti-Treaty Deputies (adjournment debate), 22.

**Miltown-Malbay**

Army pension claim (case of P. Considine), 1190

Compensation (pre-Truce) awards, 1179.

**Ministers and Secretaries Bill, 1923 :**

1 S., 189.

2 S., 916, 1007.

Com. S., 1388, 1486, 1633, 1724, 1830.

(Business of the Dáil), 455, 739.

Money resolution, 1388.

**Ministers**

Attendance of, in Dáil, 382.

Extern, Appointment of, 627.

Nomination (and appointment) of Members of Executive Council, 33, 52.

Not Members of Executive Council : Appointment of Committee re, 64, 133.

Report of Committee on, 190.

**Ministry**

Appointment of Non-Executive Council, Ministers, 627.

**Moate**

And Ballymore : Acquisition of land for division, 1723.

Estates : Division of, 1723.

Post Office : Status of, 1613.

**Money-Lenders**

Dublin : Rate of interest, 541.

**Money Resolution**

Civil Service Regulation (No. 2) Bill, 1163.

(Re Courts of Justice Bill, 1923), 86-91.

Ministers and Secretaries Bill, 1388.

**Monkstown**

Repayment of overcharged duty on drugs, 812.

**Morrissey, Daniel** (See also **Ó Muirghéasa, D.**)  
Courts of Justice Bill, 1923 : Com. S., 548, 550.

Governor-General's address : Debate on amendment to motion, 826.

Illegal fishing off Tirconail (adjournment debate), 530.

Ministers and Secretaries Bill, 1923 :

Com. S., 1415, 1665.

Transport and Communications Bill, 1923 : 2 S., 1679.

Unemployment Insurance benefit : Delayed payments, 1375.

Unemployment problem : Motion, 1985.

**Motor Agents' Claims**

For compensation, 272.

**Motor Cars**

Commandeered :

Castlerca (case of M. Cahill), 904.

Fermoy (case of Dr. C. Molan), 725.

Longford, 1273.

Rathdowney (case of E. Dollard), 179.

Stoneyford (case of M. McMunn), 546.

(Touring) used by Army, 1269.

**Motor Lorries**

Requisitioned (compensation for), 716.

**Motors (Military)**

Registration and identification of, 77.

**Motor Tax**

And Urban Councils, 441.

Distribution for road improvement, 172.

**Mountjoy**

Prisoners (case of Messrs. Fagan & C. Corren, of Streete, W. Meath), 179.

Prison : Conditions prevailing in, 19.

Prisoners' detention (case of J. McCormack, Athboy), 986.

**Mountmellie Union**

Relieving Officer's pension (case of D. Molloy), 180.

**Mulcahy, General Richard, Minister for Defence**  
(See also **Ó Maoileathá, R.**)

Arms : Carrying of by soldiers off duty, 1380.

Arms seized by volunteers (pre-Truce) :

Restoration of, 1377.

Army, Account against :

Athlone (case of J. Campbell), 1816.

Athlone (case of J. Grenham), 1937.

Athlone (case of Milligan & Co.), 1277.

Ballinasloe (bicycles), 1276.

Ballycumber (case of Mrs. Flynn), 721.

Buncloody, Wexford (case of Carton), 996.

Castlereagh (case of Messrs. Glavey), 352.

Charleville (case of Messrs. Cahill & Kelleher), 1723.

Cork (Harbour Board), 1581.

Cork (motor vehicles, etc.), 1275.

Drimoleague (case of T. J. Beamish), 1478.

Droichead Nua (case of J. Fulham), 452.

Dublin (case of W. Wogan, Portobello), 545.

Dunmanway and Drimoleague (various), 1190.

Dunmanway (case of M. J. Howley), 907.

Dunmore (case of P. J. Flattery), 996.

Durrow (case of Messrs. Mercier), 1580-1590.

Ennis (case of W. Meehan and J. Kerin), 1189, 1190.

Ennis (case of various traders), 719.

Gort (case of J. O'Donohoe), 1276.

Kildare (case of L. Berns), 907.

Kildare (case of J. Higginbottom), 813.

Kilrush (case of Mrs. B. Dunne), 1590.

Letterfrack (case of T. Curley), 1379.

Longford (case of A. Farrell), 1816.

Longford (motor cars), 1273.

Maynooth (case of J. Fulham), 452.

Meelick (case of T. Duane), 1190.

Mullingar (case of Fallon & Son), 1277.

Næs (case of W. Gaul), 1615.

19th Sept.—14th Dec.

**Mulcahy, General Richard—cont.****Army, Account against—cont.**

- Navan (case of J. Malone), 1475.
- Nenagh (gas and electricity), 1937.
- Trilce (case of D. McMahon), 1475.
- Wexford (case of Messrs. Sinnott), 1589.
- Woodford (case of J. McMahon), 1276.
- Woodford (case of P. Casey), 1378.
- Youghal (case of P. Morrissey), 1277.

**Army and Armistice Day celebrations, 994.****Army:**

- Civilian's alleged ill-treatment by: Carlow (case of J. Donnelly), 1618.
- Civilian employee's claim against: Newbridge (case of S. L'Amie), 178.
- Claims against by River Slaney users, 1581.
- Compensation claim against for accidental shooting: Mullingar (case of late P. Bracken), 1817.
- Compensation claim against: Cashel (case of J. Ryan), 1191.
- Compensation (for wound) claim against (case of Pte. P. Doyle), 1189.
- Compensation claim against, for shooting Civic Guard: Belturbet (case of late M. Lyons), 1381.
- Corps of Engineers: Transfers of Railway Protection Corps, 724.

**Army Dependents' Allowance:**

- Ballivor (case of Mrs. J. Kiernan), 1189.
- Ballivor (case of W. McKeon), 995.
- Cork (case of Pte. T. Martin), 725.
- Dean's Grange (case of Mrs. C. Griffin), 818.
- Dunmanway (case of Mrs. E. Donovan), 1816.
- Engineering Corps (case of Vol. Sherlock), 1937.
- Harristown, Co. Kildare (case of Pte. P. Allinson), 1615.
- (Railway Protection Corps), 723.
- Timoleague (case of Mrs. E. Long), 1815.
- Wicklow (case of Mrs. A. Nolan), 1936.

**Army Dependents:**

- Claim for pension for soldier's family (case of late Pte. C. Treacy, Naas), 434.
- Army meat contracts: Dublin, 177.

**Army Officers:**

- Demobilisation (of details of scheme), 717.
- Demobilised: Grants for, 1615.
- Pay and allowances, 715.

**Army Pensions Act, 1923:**

- Claimants under, 147.

**Army Pension Claim:**

- Miltown-Malbay (case of P. Considine), 1191.
- Claim for wound pension: Naas (case of Pte. M. Cleary), 1377.
- Naas (case of J. Bracken), 906.
- Naas (case of P. Gibbons), 997.
- Naas (case of late P. Roche), 906.

**Army:**

- Purchase by (question of prices), 1580.
- Touring cars used by (various details), 1269, 1271.
- Unstamped Insurance Cards of men discharged from, 1380.

**Arrest:**

- Dublin (N. King Street) (case of J. Healy), 178.
- Dungarvan (case of M. Condon), 905.
- Glasgow man (case of J. Frieze), 351.
- Kildare (Prosperous) (case of Jos. Ennis), 175.

**Mulcahy, General Richard—cont.****Arrest—cont.**

- Kilkenny (case of J. Baird, I.T.W.U.), 351.
- Newpark, Clare (case of J. Barron), 452.
- Trim (case of J. Clarke, J. Caffrey and J. Matthews of Navan), 720.
- Athlone shooting (accidental): Question of compensation (case of J. Murray), 147.
- Barrack furniture transferred from British authorities, 175.
- Business of the Dáil (conditions in Mountjoy Prison), 19.
- Commandeered:
  - Bicycle: Beauparc; compensation for, 1616.
  - Bicycle: Enfield (case of J. Ennis), 1379.
  - Lorry: Athlone (case of W. J. Jones), 453.
  - Motor car, 546.
  - Motor car: Castlerea (case of M. Cahill), 904.
  - Motor car: Fermoy (case of Dr. C. Molan), 725.
  - Motor cars: Longford, 1273.
  - Motor car: Rathdowney (case of E. Dollard), 179.
  - Premises: Kilrush, 1935.

**Compensation:**

- Claim against Army (case of N. H. Walsh), 276.
- Claim: Glashule (case of C. O'Toole), 906.
- Claim: Gort (case of D. McCarthy), 905.
- Claim (pre-Truce): Mullingar (case of J. Mulkearns), 817.
- To parents for soldier killed in Mullingar (case of late S. M. McNamee), 546.
- Curragh roads: Restrictions on use of, 715.
- Discharged Soldiers:
  - Reinstatement of in pre-enlistment occupations, 78.
  - Unemployment benefit claims, 77.
- Dublin Corporation: Petition to Dáil, 1002.
- Governor-General's address: Debate on amendment to motion, 805-7.
- Debate on resolution of thanks, 760.
- Haulbowline Dockyard canteen (transfer of licence), 621.

**Internees:**

- Detention of: Ennis (case of M. Keane and P. MacNamara), 1589.
- Detention of: Ennistymon (case of P. MacMahon and T. Gallagher), 996.
- Detention of (case of D. Walsh and M. Hennessy of Lisdeen), 1379.
- Release of: Cork County, 1936.
- I.R.A.: Pre-Truce claims for injuries, 1617.
- Killaloe Barracks: Boy's death in (compensation for parents of late P. Lewis), 719.

**Military:**

- Barracks: Fermoy: Reconstruction, 441.
- Motors: Registration and identification of, 77.
- Shooting fatality by (case of late P. Barrett of Ballinasloe), 1275.

**Ministers and Secretaries Bill, 1923:**

- 2 S., 954.
- Com. S., 1751, 1782-4, 1831, 1834, 1843.
- Motor lorries: Requisitioned (compensation for), 716.
- Nominated (and appointed) Minister for Defence, 33, 52.

19th Sept.—14th Dec.

**Mulcahy, General Richard—cont.**

- Nomination of President of the Executive Council, 11.
- Ordnance Office, Ennis : Occupied by civilian tenants, 1579.
- Prisoners :
  - Charges against (cases of J. Clarke, J. Caffrey, P. Matthews, of Navan), 1188.
  - Death on hunger strike : Newbridge (case of late D. Barry)—adjournment debate, 1080.
  - From Westmeath in Mountjoy (cases of Messrs. Fagan & C. Corren), 179.
  - On hunger strike (adjournment debate), 979.
  - Release of : Ballinacree (case of C. Keane and D. Crowley), 1936.
  - Release of untried, 1274.
  - Release of untried, political, 1616.
  - Treatment of in Hare Park Camp (case of Ald. C. Murphy and others), 434, 441.
- Provisional Government Forces : Payment of accounts against, 1272-3.
- Re-arrest of internee : Cahir (case of J. C. Kenrick, N.T.), 274.
- Seizure of bicycle and camera : Ballybay (case of J. Ridgeway), 176.
- Soldier (discharged) : Compensation for : Newbridge (case of J. Hughes), 1812.
- (Discharged) : Unemployment Insurance benefit : Claims of, 1582.
- Arrears of pay : Newbridge (case of Pte. J. McCarthy), 621.
- Killed in Kerry : Burial of, 176.
- Remuneration : Ballymore-Eustace (case of P. Magee), 451.
- Unemployment Insurance benefit for discharged soldiers, 1271.
- Unemployment Problem : Debate on motion, 2011, 2021.
- Volunteer police : Compensation for, 451.
- Volunteer police debts (case of Messrs. Colbeck, Grehan, Gaul, Dowdall), 997.
- Pay : Clane, 1614.
- Volunteers :
  - Account against : Scariff (case of J. O'Donohue), 1934.
  - Killed (pre-Truce) : Compensation for parents (case of James and Joseph Torney), 1721.
  - Wounded civilians : Compensation claims by (Railway Street, Dublin), 814.

**Mullagh, Co. Clare**

- Compensation claim (case of E. Burke), 192.

**Mullinahone**

- Postal delivery, 623.

**Mullingar**

- Accidental shooting : Compensation claim (case of P. Bracken), 1817.
- Account against Army (case of Fallon & Co.), 1277.
- Asylum official's gratuity, 1278.
- Compensation claim (pre-Truce) (case of J. Mulkearns), 816.
- Courthouse : Use of as Civic Guard Barracks, 727.
- Soldier killed in : Compensation for parents (case of late S.-Maj. McNamee), 546.

**Murder of Jewish Citizens**

- Dublin, 1087.

**Murphy, Timothy P. (See also Ó Murchadha, T. P.)**

- Governor-General's address : Debate on amendment to motion, 777.
- Ministers and Secretaries Bill, 1923 : Com. S., 1741.
- Newbridge hunger strike : Notice of adjournment debate (case of late D. Barry), 998.
- Prisoner's death on hunger strike : Newbridge (case of late D. Barry), adjournment debate, 1078.
- Unemployment problem : Debate on motion, 1988.

**Myles, James Sproule**

- Courts of Justice Bill, 1923 : Com. S., 326.
- Derry and Lough Swilly Railway dispute (adjournment debate), 98.

**Naas**

- Account against Army (case of W. Gaul), 1615.
- Compensation claim (case of late P. Roche), 906.
- Pension claim against Army (case of J. Bracken), 906.
- Pension for ex-soldier (case of P. Gibbons), 997.
- Pension for N. Soldier's family (case of late Pte. C. Treacy), 433.
- Wound pension claim (case of Pte. M. Cleary), 1377.

**Nagle, Thomas (See also Nógla, T. de)**

- Courts of Justice Bill, 1923 : Com. S., 293, 287.
- Ministers and Secretaries Bill, 1923 : Com. S., 1724, 1845.
- Governor-General's Address :
  - Debate on amendment to motion, 829, 830.
  - Debate on resolution of thanks, 1137.
- Industrial position : Question of wages (adjournment debate), 126.
- Postmaster-General : Nomination of, 208.
- Transport and Communications Bill, 1923 : 2 S., 1687.

**Nally, Martin M.**

- Balla : Division of Lynch Blossie Estate to relieve congestion, 443.
- Mayo : Division of De Clifford Estate, 710.

**National**

- Army and Armistice Day, 994.
- Education Commissioners : Appointments and qualifications, 446.
- Gallery : Appointment of Director, 1716.
- Loan : Commuting Civil Service Pensions for, 997.
- Loan : Finance Minister's statement on the, 1619.
- Loan : Statement re proposed, 1192.
- Schools : Belvilly, Co. Cork : Repairs of, 1586.
- Teachers attending Irish courses : Payment of, 144.
- University constituency : Writ for, 352.
- University : Election of Deputy Patrick McGiligan, 998.
- University representation : Writ to fill vacancy, 278.]

19th Sept.—14th Dec.

# Navan

- Account against Army (case of J. Malone), 1474.
- Arrests (case of J. Clarke, J. Caffrey and P. Matthews), 720.
- Charges against prisoners from (case of J. Clarke, J. Caffrey, P. Matthews), 1187.

# Nenagh

- Account against Military (gas and electricity), 1937.

# Newbridge

- Civilian employe's claim against Army (case of S. L'Amic), 178.
- Compensation claim (case of Pte. J. Hughes), 1812.
- Death of prisoner on hunger strike (case of late D. Barry)—adjournment debate, 1078.
- Soldier's arrears of pay (case of Pte. J. McCarthy), 621.

# Newpark, Clare

- Arrest (case of J. Barron), 452.

# Newspaper Reports

- Question of privilege, 909.

# Nicholls, George, Acting-Chairman (See also MacNioceall, S.; Ceann Comhairle and Leas-Cheann Comhairle, Rulings of)

- Appointed Acting-Chairman (or Temporary Ceann Comhairle), 907.

# Níola, Tomás de (See also Nagle, T.)

- Cobh: Houses for (British) ex-servicemen, 547.
- Postal Commission Report (decision of Ministry), 902.
- Unemployment Insurance benefit. Disqualifications, 1182.

# Nolan, John T.

- Embargo on Irish live stock (adjournment debate), 898, 899.

# Nomination

- (And appointment) of Executive Council, 33, 52.
- And appointment of Non-Executive Council Ministers, 190, 203 to 209.
- And election of President of Executive Council, 11, 33.

# Non-Executive Council Ministers

- Appointment of, 627.
- Appointment of Committee to make Recommendations re, 64, 82-3, 133.
- Election of Committee to recommend, 80.
- Names recommended, 192.
- Report of Committee on, 190.

# Non-Executive

- Council Ministries, 52.

# Northern Boundary Commission

- (Adjournment debate), 693.

# North Wall, Dublin

- Strike at, 79.

32

# Ó Broin, Allfrid (See also Byrne, A.)

- Army Pension Act, 1923: Claimants under, 147.
- British ex-soldiers' pension: Reduction of, (Dublin), 168.
- British Pensions' Appeal Tribunal: Particulars re, 139.
- Civil Service bonus cut, 547.
- Civil Service bonuses: Revision of, 148.
- Clerical officers in Prison Service: Allowance to, 148.
- Compensation claims against British Army and R.I.C. (in 1920-21 period), 1083.
- Deceased D.M.P. Constables' dependents (pre-Truce) case, 546.
- Discharged soldiers: Reinstatement of, in pre-enlistment occupations, 77.
- Discharged soldiers: Unemployment benefit for, 77.
- Dublin Central Criminal Court: Area included in, 424.
- Dublin destroyed property: Rebuilding of O'Connell Street, 73.
- Dublin moneylenders' rate of interest, 541.
- Dublin unemployment (relief of), 703, 1011.
- Ex-soldiers' unstamped Insurance Cards, 1380.
- Housing accommodation: Safeguarding North Wall tenants' interests, 142.
- Housing: Assistance for private builders, 141.
- Irish Ordnance surveys: Transfer of engravings and equipment, 72.
- Old age pensions: Reduction of, 704.
- Prisons' Board: Warders' overtime pay, 726.
- Prison officials' uniforms: Cost of making, 449.
- Prison's service system, 1277.
- Railway Protection Corps: Dependents' claims, 723.
- Transfers to Corps of Engineers, 723-4.
- Railway Street, Dublin: Compensation claims of wounded civilians, 813.
- Reduction of British Military pensions, 71.
- Survey Department: Management and administration of, 271.
- Treatment of Prisoners (case of Ald. C. Murphy and others), 434, 441.
- Unemployment Insurance benefit: Delays in payment of, 1374.
- Untried prisoners: Releases of, 1274.

# Ó Broin, Crístóir (See also Byrne, C. M.)

- Obstruction by strike picket (Kilkenny and Callan), 170.

# Ó Conáill, Tomás (See also O'Connell, T.)

- Ballinasloe:
  - Account against Army (bicycles), 1275.
  - Compensation (pre-Truce) claim (case of J. Killelea), 1810.
- Cahir Internee: Re-arrest of (case of J. C. Kendrick, N.T.), 274.
- Castlereagh: Account against Army (case of Messrs. Glavey), 351.
- Castlereagh: Commandeered motor car (case of M. Cahill), 904.
- Congested District Board: Re-employment of gangers, 1811.
- Courts of Justice Bill, 1923: Com. S., 230.
- Dunmore: Account against Army (case of P. J. Flattery), 996.

7~

19th Sept.—14th Dec.

**Ó Conáill, Tomás** *cont.*

Gort:

Compensation claim (case of D. McCarthy), 904.

District Council: Amalgamation scheme, 1814.

District housing scheme, 1815.

Intermediate Teachers' Interim Grant, 169.

Letterfrack: Account against Army (case of T. Curley), 1379.

Soldiers off duty: Carrying of arms by, 1379.

Woodford: Account against Army:

(Case of P. Casey), 1378.

(Case of J. McMahon), 1276.

**Ó Conghaile, Conchubhair** (See also **Connolly, C.**)

Arrears of rent (and Land Act, 1923) terms, 172.

**O'Connell Street, Dublin**

Compensation claims, 73.

Public meetings (obstruction caused), 543.

**O'Connell, Thomas J.** (See also **Ó Conáill, T. J.**)

Civil Service Regulation (No. 2) Bill, 1923: Com. S., 1240.

Courts of Justice Bill, 1923:

Com. S., 292, 337, 477, 487, 496, 520, 529, 565.

Re-committed, 1299, 1310, 1316.

4 S., 1351-4.

Fisheries Bill, 1923: Com. S., 1369.

Gort: Account against Army (case of J. O'Donohoe), 1276.

Governor-General's address: Debate on amendment to motion, 847, 863, 864.

Debate on amendment to motion on, 1025, 1030, 1051, 1052.

Debate on resolution of thanks, 678.

Illegal fishing off Tirconail (adjournment debate), 532.

Ministers and Secretaries Bill, 1923:

2 S., 960.

Com. S., 1432, 1445, 1504, 1511, 1535, 1549, 1741, 1742.

National Teachers' salaries (debate on Governor-General's address), 678.

Nomination of Executive Council, 44.

Non-Executive Council Ministries, 58.

Postal Commission Report, 1820-1821.

Transport and Communications Bill, 1923: 2 S., 1858.

**Ó Cúlacháin, Aodh** (See also **Colohan, H.**)

Curragh: Unemployment Insurance contributions: Claim for refund, 1578.

Droichead Nua.

Account against Army (case of A. Browne), 452.

Discharged soldiers' unemployment benefit (case of Corporal Mullaly), 623.

Proclaimed meeting (reasons for), 985.

Enfield: Commandeered bicycle (case of J. Ennis), 1378.

Harristown (Kildare): Dependents' allowance (case of P. Allinson), 1614.

Kilcullen:

Claim for unemployment benefit (case of P. Flanagan), 349.

Claim for wound pension (case of Pte. P. Doyle, Kildare), 1189.

**Ó Cúlacháin Aodh—cont.**Kilcullen—*cont.*

Account against Army (case of L. Berns), 907.

Account against Army (case of J. Higginbottom), 813.

Account against Civic Guard (case of L. Berns), 913.

(Prosperous), Arrest (case of Jos. Ennis), 175.

Unemployment (and Roads Improvement Fund), 815.

Kilmeague, Kildare: Postwoman's transfer (case of Miss L. Dunne), 989.

Maynooth: Account against Army (case of J. Fulham), 452.

Naas: Claim for wound pension (case of Pte. M. Cleary), 1377.

Newbridge: Account against Army (case of S. L'Amie), 178.

Compensation for discharged soldier (case of J. Hughes), 1812.

Soldiers' arrears of pay (case of J. McCarthy), 621.

**Ó Daimhin, Liam** (See also **Davin, W.**)

Barrack furniture transferred from British authorities, 175.

Dublin: Inquest (case of late N. Lemass), 1718.

Mountmellick Union: Relieving officers' pension (case of D. Molloy), 180.

Portlaoighise Convict Prison staff: Beds for, 450.

R.I.C. (ex-) and Superannuation and Pensions Act, 1262.

**O'Doherty, Eugene**

Civil Service Regulation (No. 2) Bill, 1923: Com. S., 1236.

Courts of Justice Bill, 1923: Com. S., 521, 526.

Governor-General's address: Debate on amendment to motion on, 1032.

Illegal fishing off Tirconail (adjournment debate), 534.

Ministers and Secretaries Bill, 1923: Com. S., 1490.

**Ó Doláin, Séumas N.** (See also **Dolan, James**)**Ó Donnabháin, Tadhg S.** (See also **Donovan, T. S.**)

Clonakilty: Medical Officers' salaries, 991.

**O Dubhghall, Eamon** (See also **Doyle, E.**)

Carlow:

Alleged ill-treatment of civilian (case of J. Donnelly), 1618.

(County): Postman's wages, 1614.

(County): Seizure of cattle, 1580.

Medical officership: 1613.

Dependents' allowance: Wicklow (case of Mrs. A. Nolan), 1936.

Kilkenny: Division of "Diamond Bog," 1932.

**O Dubhghall, Michael** (See also **Doyle, M.**)

Bunclody (Wexford): Account against Army (case of — Carton), 996.

19th Sept.—14th Dec.

**O Dubhghall, Peadar S.** (See also **Doyle, P. S.**)  
Registration of Trade Marks, 1719.

**O Duinn, Séan** (See also **Dinneen, J.**)  
Barley growing: Encouragement of, 453.  
Crops: Destruction of, by rabbits, 709.

**Officers, Army**

Pay and allowances of, 715.  
Demobilised: Grants for, 1615.  
Discharged from the Army (demobilisation scheme), 716.

**Official Authority for Search and Arrest**  
Detectives' card, 1929.

**O hAodha, Micheál; Ceann Comhairle** (See also **Hayes, M., and Speaker**)  
Elected Ceann Comhairle, 9.  
Selection of constituency by, 9.

**O hAodha, Peadar** (See also **Hughes, P.**)

**O hAonghusa, Michael** (See also **Hennessey, M.**)  
Belvilly National Schools: Repairs of, 1586.  
Charleville: Accounts against Army (case of Messrs. Cahill & Kelleher), 1723.  
Cobh smallpox case (Vaccination Acts enforcement), 990.  
Compensation claims for pre-Truce losses caused by I.R.A., 1373.  
Cork: Accounts against Army (motor vehicles, etc.), 1275.  
Cork Harbour Board: Account against Army, 1581.  
Haulbowline: Discharged dockyard employes, 1381.  
Provisional Government Forces: Payment of accounts against, 1272.  
Youghal:  
Account against Army (case of P. Morrissey), 1277.  
Repair of Crompane bridge, 1720.

**O hÍearnáin, Micheál R.** (See also **Heffernan, M. R.**)

Arms seized by Volunteers (pre-Truce):  
Restoration of, 1377.  
Board of Works local loans to farmers, 168.  
Cahir: compensation claim (pre-Truce)—  
(case of P. Kiely), 447.  
Cleves' creameries: Seizure of: Losses to farmers, 1811, 1812.  
Control of Local Administration, 1373.  
Evicted tenants: Re-instatement of, 1268.  
Fethard postman's transfer (case of J. Aherne), 448.  
Grading of butter and eggs for export, 1373.  
Letter deliveries in rural districts (charges for Sunday deliveries), 1375-6.  
Obstruction by strike pickets at Kilkenny and Callan, 170.  
Post office statistics, etc., 713.  
Rent: Collection of compounded arrears of, 1267.  
Resigned R.I.C.: Pension claims, 182.  
Untenanted land: Sales by owners of (alleged evasion of Land Act), 444.

**O'Higgins, Kevin, Vice-President of Dáil Éireann and Minister for Home Affairs**

**Arrest:**

Athboy (case of J. McCormack), 987.  
Kilkenny (case of J. Baird, I.T.W.U.), 351.  
Waterford (case of Jas. Baird, I.T.W.U.), 76.

Auctions: Interference with: Wicklow (adjournment debate), 135.

**Business of the Dáil:**

(Adjournment for Christmas), 1258-9.  
(Licensing and County Courts Bills), 277.  
(Various), 1090, 1091-2, 1162.

Civic Guard: Account against: Kildare (case of L. Berns), 904.

Civil Service Regulation (No. 2) Bill, 1923: 1 S., 455.

Cleves' creameries: Seizure of, 1812.

Compensation claim (pre-Truce): Cahir (case of P. Kiely), 447.

Coroners (Qualification) Bill, 1923: 1 S., 1823.

County Courts (Amendment) Bill, 1923:

1 S., 154.

2 S., 209.

Com. S., 355.

Rep. S. and 5 S., 357.

Courthouse as Garda Síochána Barracks: Mullingar, 727.

Courthouse, Green Street: Accommodation for legal practitioners, 1085.

Court Officers (Temporary Appointments) Bill, 1923: 1 S., 1938.

Courts of Justice Bill, 1923:

Com. S., 617.

Re-committed, 1252.

Courts of Justice stenographers, 141.

Dáil Éireann Loans and Funds Bill, 1923: 1 S., 1195.

District Courts: Permanent appointment of clerks, 181.

Dublin Central Criminal Court: Area of jurisdiction, 424.

D.M. detectives' authority for search and arrest, 1929.

Dublin Metropolitan Police ex-soldier pensioners, 1588.

Foot and mouth disease in Great Britain: Ports closed against Irish live stock, 1191.

Game and wild fowl: Protection of, 1086.

Gaming Bill, 1923:

2 S., 1167-8.

4 S., 1279, 1280.

5 S., 1280.

Garda Síochána

And R.I.C.: Strength and salaries (comparison of), 430, 432.

Premises commandeered by: Drimoleague, 1587.

Replacement of Military by: Oldcastle, 1473.

General Prisons Board: Overtime pay of warders, 726.

Governor-General's address: Debate on resolution of thanks, 1103.

Housing accommodation: Safeguarding tenants' interests (North Wall, Dublin), 142.

Imperial Conference: League of Nations and Saorstát policy, 423.

Inquest: Dublin (case of late N. Lemass), 1719.

Interpretation Bill, 1923: 2 S., 1165, 1166.



19th Sept.—14th Dec.

**O'Higgins, Kevin—cont.**

- Judicial system: Existing and proposed, cost of, 170.
- Kidnapping and flogging: Clare (case of Messrs. McCormack of Doora), 542.
- Kidnapping:
  - Clare (adjournment debate), 618, 619.
  - Ennis (case of Mrs. Crowe), 171.
- Licensing (Renewal of Licences) Bill, 1923:
  - 1 S., 155.
  - 2 S., 210.
  - Com. S., 358.
  - Rep. S., 358.
  - 5 S., 358.
- Local Authorities (Indemnity) Bill, 1923:
  - 2 S., 1209, 1211-4.
  - 4 S., 1483.
- Local Elections Postponement (Amendment) Bill, 1923: 2 S., 1205.
- Minister for Fisheries: Nomination of, 203.
- Ministers and Secretaries Bill, 1923:
  - Com. S., 1404-6, 1418, 1672.
- Money lenders' rate of interest: Dublin, 541.
- Murder of Jewish citizens: Dublin, 1087.
- National Loan: Statement re proposed, 1192.
- Nominated (and appointed) Vice-President and Minister for Home Affairs, 33, 52.
- Obstruction by strike picket at Callan and Kilkenny, 171.
- Ordinance Office, Ennis: Occupied by civilian tenants, 1579.
- Outrages reported: Waterford farm labour dispute, 433.
- Prison officials' uniforms: Cost of making, 450.
- Prison Service appointments: Warders, 1181.
- Prison Service: Clerical officers in: Allowance to, 148.
- Prisons' Service system (organisation of officers, etc.), 1278.
- Prison staff's beds: Portlaoighise, 450.
- Proclaimed meeting: Droichead Nua (reasons for), 985.
- Public meetings in O'Connell Street, Dublin (causing obstruction), 543.
- Public Safety (Powers of Arrest and Detention) Temporary Bill, 1923:
  - 1 S., 1623, 1624-5.
  - 2 S., 1939, 1951, 1977.
- Resolution of sympathy on deaths of Deputy P. Cosgrave and Senator McPartlin, 454.
- Seizure of cattle: County Carlow, 1580.
- Seizure of land: Geashill (case of I. C. Gibson), 985.
- Shot-guns seized during pre-Truce period: Return of, 76.
- Sporting cartridges, supplies of, 142.
- Transport and Communications Bill, 1923:
  - 1 S., 1199.
  - 2 S., 1467.
- Unemployment Benefit claims: Clonmel district, 1578.
- Unemployment Insurance contributions: Claim for refund: Curragh, 1579.
- Warders' subsistence allowance: Waterford, 708.

**Ó hOgáin, Pádraig (An Clár) (See also Hogan, P., Clare)**

- Belfast Boycott (compensation claims), 1577.
- Clare: Compensation (pre-Truce) awards, 1179.

**Ó hOgáin, Pádraig (An Clár)—cont.**

- Courts of Justice Bill, 1923: Com. S., 574.
- Ennis:
  - Accounts against Army (case of various traders), 718.
  - Compensation (pre-Truce) claim (case of late P. Morrissey), 1478.
  - And Ennistymon: Old age pensions disallowed (case of Mrs. W. Hehir and John Shannon), 1184-6.
- Governor-General's address: Debate on amendment to motion, 841.
- Killaloe Barracks: Claim for compensation for boy's death in (case of late P. Lewis), 719.
- Kilrush:
  - Account against Army (case of Mrs. B. Dunne), 1590.
  - Commandeered premises, 1180, 1935.
  - Compensation (pre-Truce) claim (case of M. Crotty), 1576.
- Miltown-Malbay: Army pension claim (case of P. Considine), 1190.
- Mullagh (Clare): Compensation claim (case of E. Burke), 1929.
- Scariff: Account against Volunteers (pre-Truce) (case of J. O'Donohue), 1934.
- Scariff Workhouse: Compensation, 703.
- Whitegate, Co. Clare: Compensation (pre-Truce) claim (case of R. Lucas), 1928.

**Ó hOgáin, Pádraig K. (See also Hogan, P. K.)**

- Land Act, 1923: Application Forms re Section 38 of, 1084.

**Ó Laidhin, Seán (See also Lyons, J.)**

- Athlone:
  - Account against Army (case of J. Grenham), 1937.
  - Compensation (pre-Truce) claim (case of J. Grenham), 1927.
  - Shooting (accidental): Question of compensation (case of J. Murray), 147.
- Ballinagore (Westmeath): Old age pension claim, 143.
- Ballymore and Moate: Acquisition of land for division, 1723.
- Castlepollard (Westmeath): House burning, 140.
- Dublin military meat contracts, 177.
- Moate:
  - Compensation for parents for pre-Truce Volunteers (case of late James Tormey and J. Tormey), 1721.
  - Estates: Division of, 1723.
- Mullingar: Compensation claim for accidental shooting (case of late P. Bracken), 1817.
- National Teachers attending Irish courses: Payment of, 144.
- Postal Commission Report: Delay in publication, 175.
- Purchase facilities for town tenants, 143.
- Rathdowney: Commandeered motor car (case of E. Dollard), 179.
- Westmeath prisoners in Mountjoy (cases of Messrs. Fagan and C. Corren), 179.

**Old Age Pensions**

- Claim: Ballinagore, 143.
- Claim: Bandon (case of J. Trahy), 624.

19th Sept.—14th Dec.

**Old Age Pensions—cont.**

- Clonakilty (case of O. Wade), 180.
- Claim disallowed: Ennis and Ennistymon (case of Mrs. W. Hehir and John Shannon), 1184-6.
- Reduction, 704.
- And Education (amendment to motion on Governor-General's address), 764, 819, 885.

**Oldcastle**

- Replacement of Military by Gárda Síochaná, 1473.

**Old Leighlin (Co. Carlow)**

- Postman's wages, 1614.

- Loingsigh, Flonán, Aire um Iasgach** (See also **Lynch, F.**)
- Election of Leas-Cheann Comhairle, 81.
- Fisheries Bill, 1923:
  - 1 S., 729.
  - 2 S., 1169.

- Máille, Pádrig** (See also **Leas-Cheann Comhairle**, and **Ceann Comhairle** and **Leas-Cheann Comhairle—Rulings of**).
- Committee to Recommend Non-Executive Council Ministers: Report of, 191.
- Courts of Justice Bill, 1923:
  - Com. S., 381, 384, 471, 472.
- Elected Leas-Cheann Comhairle, 81.
- Minister for Local Government: Nomination of, 206.
- Report of Joint Committee on:
  - Private Bill procedure, 737.
  - Private Bill Standing Orders, 1078.
- Second Report of Joint Committee on Private Bill Standing Orders, 1280, 1281.

**O'Mahony, Thomas**

- Assistance for private builders, 429.
- British ex-servicemen's houses, 449.
- Committee to Recommend Non-Executive Council Ministers: Report of, 197.
- Cork-Fermoy: Transport facilities, 1585.
- Courts of Justice Bill, 1923:
  - Com. S., 281, 378, 477, 493.
- Fermoy Military Barracks: Re-construction (to relieve unemployment), 441.
- Governor-General's address: Debate on amendment to motion, 834.
- Irish Slate Quarries: Development of, 543.
- Ministers and Secretaries Bill, 1923:
  - Com. S., 1439, 1491.
- Motor Tax: Distribution of, 172.
- Postmaster-General: Nomination of, 207.
- President's statement *re* Saorstát's industrial position (adjournment debate), 114.
- Rates: Collection of, on small holdings (suggested inclusion in rentals), 449.
- Transport and Communications Bill, 1923:
  - 2 S., 1695, 1795, 1859, 1860.
- Unemployment problem: Debate on motion, 2000.
- Urban areas and motor tax, 441.

- Ó Maoileatha, Risteárd, Aire Cosanta** (See also **Mulcahy, General R.**)
- Nomination of President, 11.

**Ó Muirgheasa, Domhnall** (See also **Morrissey, D.**)

- Carlow medical officership, 1613.
- Deputy imprisoned in Scotland (case of J. McCurtain), 1809.
- Nenagh: Account against Army (gas and electricity), 1937.
- Unemployment: Relief of, 1182.
- Waterford: Warders' subsistence allowance, 708.

**Ó Murchadha, Tadhg P.** (See also **Murphy, T. P.**)

- Ballinacree: Release of internees (cas: of C. Keane and D. Crowley), 1935.
- Bandon old age pension claim (case of J. Trahy), 624.
- Bandon postal facilities, 174.
- Castletown-Bere: Grant for relief of distress, 1184.
- Clonakilty: Closing of Barytes Mines, 1474.
- Clonakilty: Old age pension claim (case of O. Wade), 180.
- Cork County:
  - Internees: Release of, 1936.
  - Rate Collectors (Surety Bonds), 1813.
- Cork:
  - Road workers' Unemployment Insurance Cards, 171.
  - Unemployment benefit claims (delayed), 1473.
- Dingle: Compensation claim for malicious injuries (pre-Truce) (case of J. and M. Flaherty), 1577.
- Drimoleague:
  - Account against Army (case of T. J. Beamish), 1478.
  - Premises commandeered by Gárda Síochána, 1587.
- Dunmanway:
  - Account against Army (case of M. J. Howley), 906.
  - Compensation claim (case of Mrs. A. Gray), 902.
  - Dependents' allowance (case of Mrs. E. Donovan), 1816.
  - Unemployment Benefit claim (case of J. J. Burke), 903.
  - And Drimoleague: Accounts against Army (various), 1190.
- Goleen and Crookhaven: Fishing facilities, 1187.
- Haulbowline dockyard canteen (transfer of licence), 621.
- Permanent Appointment of clerks of District Courts, 181.
- Skibbereen Hospital roofing, 1612.
- Timoleague: Dependents' allowance (case of Mrs. E. Long), 1815.

**Ólreachtas**

- Meeting: Governor General's address to (See Appendix at end of volume).
- Convening of: Governor-General's Proclamation, 1.
- Members' Income Tax (deductions off), 983.
- Permanent accommodation for, 167.

**Ordinance**

- Office, Ennis: Occupation by civilian tenants, 1579.
- Surveys (Ireland): Transfer of engravings and equipment, 72.

19th Sept.—14th Dec.

**Outrages**

Clare (kidnapping and flogging of Messrs. McCormack of Doora), 542.  
Reported: Waterford farm labour dispute, 432.

**O'Shaughnessy, Andrew**

Courts of Justice Bill, 1923: Com. S., 332.

**O'Sullivan, John M.**

Courts of Justice Bill, 1923: Com. S., 294, 391, 601-2-3.  
Ministers and Secretaries Bill, 1923: Com. S., 1408, 1516, 1646, 1756, 1839.

**Patent Medicines**

Revenue from, 707.

**Patents**

Protection of Copyright and Trade Marks, 1719.

**Patrol**

Fisheries: Boat operations (Tirconail coast), 1582.

**Pay**

And allowances of Army officers, 715.  
Post office rates (postal services, statistics, etc.), 713.

**Pensions**

Claim against Army:  
Naas (case of J. Bracken), 906; (case of P. Gibbons), 997; (case of Pte. C. Tracy), 433.  
Miltown-Malbay (case of P. Considine), 1190.  
Kildare Rate Collectors, 173.  
Pension of Relieving Officer: Mountmellick Union (case of D. Molloy), 180.  
(Old age): Reduction of, 704.  
Reduction of British ex-soldiers (Charlemont Mall, Dublin), 168.  
Civil Service: Commuting for National Loan, 997.  
Of ex-soldier Metropolitan Police, 1588.  
(British) Appeal Board, Dublin, and (British) Army dependents' pensions, 71.

**Petition to Dáil**

Dublin Corporation, 998, 1450.

**Pier at Dun Laoghaire**

Examination of luggage, 1612.

**Police**

Compensation for I.R.A. Volunteer, 451.  
Dublin Metropolitan: Ex-soldiers' disability pensions, 1588.  
Volunteer: Debts of (case of Messrs. Colbeck, Grehan, Gaul, Dowdall), 997.  
Pay: Clanc, 1614.

**Policy**

(Irish): Holders' interests in City Life Assurance Company, Ltd., 349.

**Polling Station**

Waterford: Hire of, 1720.

**Portloughish Convict Prison**

Staff, 450.

**Ports**

Customs: Clearing facilities at, 705.  
In Great Britain: Closing of against Irish live stock (foot and mouth disease), 1191.

**Postal**

Commission Report (decision of Ministry), 902.  
Commission Report: Decision of Government (statement by Postmaster-General), 1817.  
Commission Report: Delay in publication, 175.  
Deliveries in Clonmel district, 989.  
Deliveries in rural districts (charge for Sunday deliveries), 1375.  
Delivery: Mullinahone, 623.  
Delivery: Sandycove (Co. Dublin), 146.  
Facilities at Bandon, 174.  
Facilities: Cavan, 272.  
Facilities: Dalkey and Dun Laoghaire, 722.  
Service: Abolition of, on Sundays, 146.

**Postman's Transfer**

Fethard (case of J. Aherne), 448.

**Postman's Wages**

Old Leighlin, Co. Carlow, 1614.

**Postwoman's Transfer**

Kilmeague (Kildare)—(case of Miss L. Dunne), 989.

**Postmaster-General**

Appointed, 627.

**Post Office**

Denmark Street, Dublin: Alleged irregularities, 446.  
Moate (status of), 1613.  
Savings Certificates: Number and total amount of, 144.  
Statistics of postal services, etc., 713.  
Weighing machines, 1584.

**Potatoes**

Provision of seed, 992.

**President of Executive Council**

Nomination and election of, 1133.

**Pre-Truce**

Claims: I.R.A. Members' injuries, 1617.  
Losses occasioned by I.R.A., 1373.  
Volunteers killed: Compensation to parents of, 1721.

**Prices**

Report of Commission on: Circulation of, 901.

**Priomhdhall, Seán (See also Prior, J.)**

Carrigaline: Telephone facilities for, 814.

**Prior, John (See also Priomhdhall, S.)****Prisoners**

Charges against (cases of J. Clarke, J. Caffrey, P. Matthews of Navan), 1187.  
Death on hunger strike: Newbridge (case of late D. Barry)—(adjournment debate), 1078.  
Hunger strike (adjournment debate), 972.  
Detention of: Ennis (case of M. Keane and P. MacNamara), 1589.

19th Sept.—14th Dec.

**Prisoners—cont.**

Mountjoy (case of Messrs. Fagan and C. Corren of W. Meath), 179.  
Release of : Ballineen (case of C. Keane and D. Crowley), 1935.  
Release of untried, political, 1616.  
Treatment of (case of Ald. C. Murphy and others), 434.  
Untried : Release of, 1274.

**Prisons**

Board and warders' allowances : Waterford, 708.  
Board : Overtime, payment of warders, 726.  
Officials' uniforms : Cost of making, 449.  
Service appointments (temporary and permanent warders), 1180.  
Service : Clerical officers in (allowances to), 148.  
Service system, 1277.  
Staff : Beds for : Portlaoighise, 450.

**Private Bill**

Business : Committee on Standing Orders for regulation of, 158.  
Procedure (Joint Committee Report on), 737.  
Committee on Standing order for (and Sessional Selection Committee), 83.  
Standing Orders, Committee on (Report of Sessional Committee), 353.  
Standing Orders : Report of Joint Committee on, 1078.  
Standing Orders : Second Report of Joint Committee on, 1280.  
Standing Orders (Seanad Members of Committee on), 354.

**Private Builders**

Assistance for, 429.

**Privilege of the Dáil**

Presentation of Annual Report of Department of Agriculture, 1087.

**Privilege**

Question of : Newspaper reports, 909.

**Procedure and Privileges**

Committee on (and Sessional Selection Committee), 83.  
Committee on (Report of Sessional Committee) 353.  
Terms of Reference, 157.

**Proclamation**

Convening Oireachtas, 1.  
Droichead Nua, 985.

**Prosperous, Co. Kildare**

Arrest (case of Jos. Ennis), 175.

**Protection of Game**

And wild fowl, 1085.

**Provisional Government**

Forces : Payment of accounts against, 1272.  
Transfer of services to, by British, 728.

**Public Accounts**

Committee of : Proposed appointment of, 1715.

**Public Meetings in O'Connell Street, Dublin**  
(Obstruction caused), 513.

**Public Safety (Powers of Arrest and Detention) Temporary Bill, 1923 :**

1 S., 1623.  
2 S., 1939.  
(Business of the Dáil), 1937.

**Public Works**

Proposed Saw Mills : Athlone, 433.

**Purchases by Army**

Question of prices, 1580.

**Purchase Price of Land**

Payment of (suggested Amendment of Land Act), 816.  
Payment to landlords, 721.

**Quarries**

Irish slate (development of), 543.

**Rabbits**

Destruction of crops by, 709.

**Railway**

Bridge, Fiddown : Reconstruction of, 1476.  
Protection Corps : Dependents' claims, 723.  
Position of demobilised officers, 1615.  
Transfers to Army Corps of Engineers, 721.

**Railways**

Baronially guaranteed (dividends for past two years), 711.

**Ranches in Westmeath**

Acquisition for division, 1723.

**Ranger**

(Deputy) : Curragh, 1172.

**Rate Collector's Pension**

Kildare County, 173.

**Rates**

Collection in Cork County (Surety Bonds of Collectors), 1813.  
Collection of, on small holdings, 449.

**Rathdowney**

Commandeered motor car (case of E. Dollard), 179.

**Rathmines**

Compensation claim against Army (case of N. H. Walsh), 276.

**Re-Arrest of Internes**

Cahir (case of J. C. Kenrick, N.T.), 274.

**Redmond, William A.**

British Pensions' Appeal Tribunal, 140.  
Business of the Dáil (debate on Governor-General's address), 689.  
Civil Service Regulation (No. 2) Bill, 1923 : Com. S., 1239, 1240.  
Clonmel district Unemployment Benefit claims, 1578.  
Committee of Public Accounts : Proposed appointment of, 1715.

19th Sept.—14th Dec.

**Redmond, William A., Capt.—cont.**

Committee to Recommend Non-Executive Ministers : Report of, 193, 200.

Cork : Army dependents' allowances (case of Pte. T. Martin), 725.

County Courts (Amendment) Bill, 1923 :

1 S., 155.

Courts of Justice Bill, 1923 :

Com. S., 231, 239, 242, 249, 251 to 257, 266, 268, 278 to 284, 295, 302-3, 319, 320, 329, 337, 360, 370, 372, 389, 409, 415, 417, 460 to 485, 489 to 502, 553, 564, 575, 586 to 604, 616.

Re-committed, 1249, 1250, 1256, 1293 to 1301, 1325 to 1330.

4 S., 1354.

5 S., 1629.

(Business of the Dáil), 162.

Money Resolution, 90.

Director, National Gallery : Appointment of, 1716.

Fermoy : Motor car commandeered (case of Dr. C. Molan), 725.

Fiddown Railway bridge : Reconstruction of, 1476.

Gaming Bill, 1923 : 2 S., 1168.

Governor-General's address : Debate on resolution of thanks, 760, 761.

Debate on amendment to motion, 787, 792.

Houses for British ex-servicemen, 727.

Income Tax : Double claims, 1472.

Income Tax on foreign securities held by Irish charities, 1371.

Local Authorities (Indemnity) Bill, 1923 :

4 S., 1484-6.

Mayo election officials : Payment of, 1476.

Ministers and Secretaries Bill, 1923 :

2 S., 918, 957, 962, 964, 969, 1012.

Com. S., 1512, 1552-7, 1563-4, 1670, 1754 to 1769.

Motor lorries requisitioned (compensation for), 716.

Report of Comptroller and Auditor-General (query re), 1715.

Sessional Committee of Selection (Business of the Dáil), 160, 161.

Tralee : Account against Army (case of D. McMahon), 1475.

Unemployment Benefit : Discharged soldiers' claim, 1582.

For ex-National Army soldiers in Six-County area, 1930.

Unemployment Problem : Debate on motion, 2018, 2036, 2038.

Waterford Polling Station : Hire of, 1720.

**Refund**

Of income tax overcharges, 706.

**Registration**

Of Irish-British Treaty at Geneva, 139.

Of Trade Marks, 1719.

**Release**

Of untried political prisoners, 1616.

**Relieving Officer's Pension**

Mountmellick Union (case of D. Molloy), 180.

**Rent**

Arrears of, and Land Act (1923), 172.

Compounded arrears of (re working of 1923 Land Act), 625, 1267-8.

Of Garda Síochána Barracks : Kilkee, 1478.

**Rents**

And Annuities : Payment of arrears, 1932.

And Rates : Payment of, 449.

Fee Farm : Redemption of, 1264.

**Report**

(Annual) of Department of Agriculture

Presentation of : Privilege of Dáil, 1087.

As to issue of Writs for General Election, 3.

Of Comptroller and Auditor-General (query re), 1715.

Of Joint Committee on Private Bill procedure, 737.

Of Joint Committee on Private Bill Standing Orders, 1078.

(Second) of Joint Committee on Private Bill Standing Orders, 1280.

Of Postal Commission : Decision of Government re (statement by Postmaster-General) 1817.

Of Sessional Committee, 352.

Of Commissions : Circulation of, 901, 1382, 1479.

**Requisitioned Motor Lorries**

(Compensation for), 716.

**Resigned**

And dismissed R.I.C. : Compensation Regulations (Business of the Dáil), 2049.

R.I.C. : Claims for pensions, 181-2.

**Resolution**

Of Sympathy on deaths of Deputy P. Cosgrave and Senator McPartlin, 454.

**Return**

Of number and salaries of Local Government Inspectors, 1004.

Of Writ : National University election (election of Deputy P. McGilligan), 998.

**Returning Officers**

List of Writs issued to, 3.

**Revenue from Patent Medicines**

(Amount of), 707.

**R.I.C.**

And British Army : Compensation claims against (in 1920-21) period, 1083.

And Civic Guard (comparison of strength and salaries), 429.

(Ex-) : Superannuation and Pensions Act, 1923 : Order, 1262.

Resigned and dismissed : Compensation Regulations (Business of the Dáil), 2049.

Resigned : Cases of Messrs. Colgan, Tullamore, 181-2.

**River Barrow Flooding**

Distress caused by, 1721.

**River Slaney Users**

Claims against Army, 1581.

**Road**

Administration : Cavan, 1475.

Completion of : Longford, 448.

Grants from motor tax in urban areas, 441.

Improvement : Distribution of motor tax, 172.

*19th Sept.—14th Dec.*

**Road—cont.**

Improvement Fund (and unemployment in Kildare), 815.  
Roadworkers (Cork) Unemployment Insurance Cards, 171.

**Roads**

Curragh area: Restrictions on use of, 714.

**Roscommon**

Civilian shot by Military (case of late P. Barrett), 1274.

**Rural Districts**

Letter deliveries in (charges for Sunday deliveries), 1375.

**Safeguarding of Industries (British) Act**

And Fiscal Inquiry (Interim) Report, 71.

**Salaries**

Clonakilty rural district medical officers, 991.  
Of Saorstát officials (from British Government), 984.

**Sand**

Removal from Killiney foreshore, 1929.

**Sandycove**

Postal delivery, 146.

**Saorstát Officials' Salaries**

(From British Government), 984.

**Saving Certificates**

(Post office): Number and total mount of, 144.

**Saw Mills**

Proposed re-starting: Athlone, 433.

**Scariff**

Account against Volunteers (pre-Truce)—(case of J. O'Donohue), 1934.  
Workhouse: Compensation claim, 703.

**School**

Furniture destroyed: Ballinalee (pre-Truce damage), 987.  
Repair of: Belvelly (Co. Cork), 1586.  
Requirements at Killester, 988.

**Science**

College of: Occupation of, 811.

**Scotch Whiskey**

Strength of, in Saorstát, 1810.

**Scotland**

Deputy imprisoned in (case of J. McCurtain, T.D.), 1809.

**Seanad Éireann and Dáil Éireann**

Joint meeting: Governor-General's address (See Appendix at end of volume).

**Search and Arrest**

Authority for (detectives' card), 1929.

**Sears, William (See also MacSioghaird, L.)**

Vaccination Act's enforcement, 991.

**Secondary Teachers' Grievances, 541.**

**Second Report of Joint Committee**

On Private Bill Standing Orders, 1280.

**Seed Potatoes**

Provision of, 992.

**Seized Shot Guns**

(Pre-Truce period): Recovery of, 76.

**Seizure**

Of bicycle and camera: Ballybay (case of C. Ridgeway), 176.  
Of cattle in Co. Carlow, 1580.  
Of farm: Geashill (case of I. C. Gibson), 985.

**Senator**

Death of: Sympathy of the Dáil re late Senator McPartlin, 454.

**Senators' and Deputies' Income Tax**

(Deductions off), 983.

**Sessional**

Selection Committee: Appointment of, 82.  
Committee of Selection (Business of the Dáil), 160.  
Selection Committee: Instruction to re Special Committees, 156.  
Committee of Selection: Report of, 352.

**Shaw Commission Awards**

Kilbeggan: Delay in payment (case of J. J. McGuinness), 1809.  
(Question of appeals against), 1927.

**Shaw, Patrick W.**

Athlone:

Account against Army (case of Milligan & Co.), 1276.  
Commandeered lorry (case of W. J. Jones), 453.

Compensation to parents for soldier killed in Mullingar (case of late S.-Maj. McNamee), 540.

Customs clearing facilities at ports, 705.

Electors' Lists: Officials' remuneration, 1813.

Game and wild fowl: Protection of, 1085.

Governor-General's Address:

Debate on amendment to motion, 793.

Debate on resolution of thanks, 646.

Income tax arrears: (Payment by instalments), 706.

Moate Post Office (Status of), 1613.

Mullingar:

Account against Army (case of Fallon & Son, 1277.

Asylum officials' gratuity, 1278.

Compensation claim (pre-Truce; case of J. Mulhearns), 817.

Courthouse as Garda Síochána Barracks, 727.

Non-Executive Council Ministries, 59.

Reduction of British Military pensions, 72.

Schoolhouse damaged: Ballinalee (pre-Truce damage), 987.

Sporting cartridge: Supplies of, 142.

Stoneyford: Motor car commandeered (case of M. McMunn), 546.

Westmeath and Longford: Land division (for small holders), 993.

19th Sept.—14th Dec.

**Shooting of Civic Guard at Belturbet**

Compensation claim for (case of late M. Lyons), 1381.

**Shot-Guns**

Seized during pre-Truce period: Recovery of, 76.

**Six-County Area**

Unemployed Benefit for ex-National Army soldiers in, 1930.

**Skibbereen**

Hospital roofing, 1612.

**Slaney River Users**

Claims against Army, 1581.

**Slate Quarries**

Development of, in Ireland, 543.

**Small Holders**

Land division: Westmeath-Longford, 993.

**Smallpox Case at Cobh**

(Enforcing Vaccination Acts), 990.

**Soldiers**

Arrears of pay: Newbridge (case of Pte. J. McCarthy), 621.

(ex-British): Dependents' pensions, 71.

Discharged: Newbridge: Question of compensation (case of J. Hughes), 1812.

Discharged: Re-employment, 77.

(Discharged): Unemployment Benefit, 1271.

(Discharged): Unemployment Benefit, Claim of, 1582.

(Discharged): Unemployment Benefit: Droichead Nua (case of Cpl. Mullaly), 623.

(Discharged): Unstamped Insurance Cards of, 1380.

Family, Pension to: Naas (case of Pte. C. Treacy), 433.

Killed in Kerry: Burial of, 176.

Killed in Mullingar: Compensation to parents (case of late S.-Maj. McNamoe), 546.

Off duty: Carrying of arms by, 1379.

**Speaker (See Ceann Comhairle; O hAodha, M., and Hayes, M.)****Special Committees**

Instruction to Committee of Selection, re, 156.

**Special Committee on Interpretation Bill**

Appointment of, 1480.

Report of, 1724.

(And Sessional Selection Committee), 84.

**Spirits in Bonded Warehouses**

Monthly return of stocks of, 1083.

**Standing Orders**

For Private Bills: Committee on (and Sessional Selection Committee), 83.

Report of Joint Committee on Private Bill, 1078.

For Private Bills: Second Report of Joint Committee on, 1280.

For regulation of Private Bills Business: Terms of Reference for Committee on, 158.

For regulation of Private Bills: Seanad Members of Committee on, 354.

**Stenographers**

(Courts of Justice): Number and cost of, 141.

**Stonysford**

Motor car commandeered (case of M. McMunn) 546.

**Streete (W. Meath)**

Prisoners in Mountjoy (cases of Jos. and Jas. Fagan and C. Corren), 179.

**Strike**

At North Wall (Dublin), 79.

Picket: Obstruction by: Kilkenny and Callan, 171.

**Subsidies**

For house builders, 1263.

**Sunday Postal Service**

Abolition of, 146.

**Superannuation and Pensions Act, 1923:**

Order re ex-R.I.C., 1262.

**Survey Department**

Management and administration of 271.

**Surveyor's (Assistant), County**

Clare (increases of salaries), 1585.

**Surveys of Ireland**

Custody of, 72.

**Tailor's Claim Against Military**

Newbridge (case of S. L'Amie), 178.

**Tariff on Imported Barley**

Suggested, 453.

**Tax**

Double income: (Investments in Great Britain), 425.

On Dominion dividends, 705.

On motors in urban areas, 441.

**Taxes**

Inspectors of (number and cost of staffs), 722.

**Teachers**

Grievances of Secondary, 541.

(National) attending Irish courses, Payment of, 144.

(Intermediate): Interim grant for, 169.

**Telegraph Wires**

Repair of: Killenaule, 1086.

**Telephone Facilities**

Carrigaline, 814.

Kilcock, 722.

**Telephones**

Installation facilities, 902.

**Temporary Cinn Comhairle (or Chairman)**

Appointment of, 907.

(See also Acting Chairmen: Nicholls, G., and Cooper, Bryan R.).

**"Tenanted Land"**

Meaning of phrase in Land Act, 1266.

19th Sept.—14th Dec.

## Tenants

(Evicted) : Claims under Land Act, 1265–8.  
Land Act (1923) : Abatements and reductions, 622.

Reinstated and migrants : Claircarde Estate (reduction of annuities), 1264.

## Thrift, William Edward

Courts of Justice Bill, 1923 : Com. S., 253, 258, 262, 265, 268, 293, 403, 484, 505, 518.  
Dublin Corporation : Petition to Dáil, 1001, 1452.

Interpretation Bill, 1923 : Report of Special Committee, 1724.

Ministers and Secretaries Bill, 1923 :  
2 S., 1017.  
Com. S., 1436.

## Timoleague

Dependents' allowance (case of Mrs. E. Long), 1815.

## Tipperary

Compensation claim (pre-Truce) (case of P. Kiely, Kilmoyler, Cahir), 447.  
Postman's position, 448.

## Tireonaill

Fisheries (poaching by foreign trawlers); 274.  
Illegal fishing off (adjournment debate), 529.  
Mental Hospital (audit), 1583.

## Touring Cars

Used by Army, 1269.

## Town Tenants

Purchase facilities for, 143.

## Trade Marks

Registration of, 1719.

## Tralee

Account against Army (case of D. McMahon), 1475.

## Transfer of Services

From British to Provisional Government, 728.

## Transport and Communications Bill, 1923 :

1 S., 1196.  
2 S., 1453, 1672, 1785, 1846.

## Transport Facilities

Cork-Fermoy, 1585.

## Trawling

Killybegs and Lough Foyle (poaching by foreign trawlers), 274.

## Treatment of Prisoners

(Case of Ald. C. Murphy), 434.

## Treaty

Irish-British : Registration of, at Geneva, 139

## Trim

Arres's (case of J. Clarke, J. Caffrey and P. Matthews of Navan), 720.

## Tullamore

Claims of resigned R.I.C. (cases of Messrs. Colgan), 181.  
Commandeered premises (rates due), 1928.  
Decree : Payment of (case of J. Healion), 183.

## Turbary Rents

Donadea (Kildare), 442.

## Uí Dhrisceóil, Máighréad Ní Cholledáin, Bean

(See also Collins-O'Driscoll, M.)  
House builders : Subsidies for, 1263.  
Public Meetings in O'Connell Street, Dublin (causing obstruction), 543.

## Unemployed Insured Persons in Saorstát

Statistics, 74.

## Unemployment Benefit

Claims : Clonmel district, 1578.  
Claim : Dunmanway (case of J. J. Burke), 903.  
Claim : Kilcullen (Kildare)—(case of P. Flanagan), 349.  
Claims of discharged soldiers, 77.  
Delayed claimants : Cork, 1473.  
Delays in payment of, 1374.  
Discharged soldiers' claim, 1582.  
Discharged soldier : Droichead Nua (case of Cpl. Mullaly), 623.  
Ex-National Army soldiers in Six-County area, 1930.  
For discharged soldiers, 1271.

## Unemployment

(Closing of Barytes Mines) : Clonakilty, 1474.  
Dole : Payment of for constructive work, 271.  
Dublin (measures for relief of), 703.  
Insurance (adjournment debate), 1569.  
Insurance contributions : Claim for refund : Curragh, 1578.  
Insurance Benefit : Disqualifications, 1182.  
Insurance Benefit : Unstamped Cards of discharged soldiers, 1380.  
Insurance : Effects of (notice of adjournment debate), 1479.  
Kildare (and Roads Improvement Fund), 815.  
Problem : Motion condemning the Government, 1985.  
Relief of, 1182.  
Relief of : Dublin, 1611.

## Uniforms of Prison Warders

Cost of making, 449.

## University (National)

Constituency : Writ for, 352.  
Election of Deputy P. McGilligan, 998.  
Writ for constituency of, 278.

## Untenanted Land

Distribution of : Mayo, 993.  
Sales by owners of (alleged evasion of Land Act), 444.

## Untried Prisoners

Releases of, 1274.

## Urban Areas

And Motor Tax, 441.

## Vaccination Act's Enforcement

(Case of smallpox in Cobh), 990.



19th Sept.—14th Dec.

**Volunteers**

Account against (pre-Truce): Scariff (case of J. O'Donohue), 1934.  
 Compensation for parents of pre-Truce, 1721.  
 Police (I.R.A.): Compensation for, 451.  
 Debts of, 997.  
 Pay of (Clane), 1614.

**Walsh, James J., Postmaster-General**

Appointed Postmaster-General and Non-Executive Council Member, 627.  
 Postal and parcel transport facilities: Cork-Fermoy, 1585.

**Postal Commission Report:**

Delay in Publication, 175  
 (Statement re Government decision), 1817, 1821.

**Postal deliveries:**

Clonmel district, 989.  
 Mullinahone, 623.  
 Rural districts (charge for Sunday deliveries) 1375-6.

**Postal facilities:**

Bandon, 174.  
 Cavan, 273.  
 Dun Laoghaire and Dalkey, 722.

Postman's transfer: Fethard (case of J. Aherne), 448.

Postman's wages: County Carlow, 1614.

Post Office, Denmark Street, Dublin: Alleged irregularities in, 446.

Post office, Moate (status of), 1013.

Post Office Savings Certificates: Number and total amount of, 115.

Post office statistics, 713.

Post office weighing machines, 1584.

Postwoman's Transfer: Kildare (case of Miss L. Dunne), 990.

Recommended and appointed Postmaster-General and Non-Executive Council Member, 192, 207.

Sandycove postal delivery, 146.

Sunday postal service: Abolition of, 146.

Telephone facilities: Carrigaline, 815.

Telephones: Installation of (facilities for), 902-3.

Telephone facilities (request for): Kilcock, 722.

Telegraph wires: Repair of: Killenale, 1086.

**Wireless Broadcasting:**

Debate on motion to appoint Committee of Inquiry, 1983, 1985.

Licences: Proposal for granting of, 145.  
 (Suggested discussion of Memo.), 1584.

**War Compensation Court**

(Claims against British Army and R.I.C. in 1920-21 period), 1083.

**War Graves Commission**

(Saorstát Representative), 984.

**Ward, Peter J.**

Courts of Justice Bill, 1923: Com. S., 481, 522.

**Warders**

Overtime: Payment for, 726.

Subsistence allowance: Waterford Prison, 708.

Temporary and Permanent Prison Service Appointments, 1180.

Uniforms: Cost of making, 449.

**Waterford**

Arrest (James Baird, I.T. and G.W.U.), 75.  
 Farm labour dispute: Reported outrages, 432.

Polling Station: Hire of, 1720.

Warders' subsistence allowances, 708.

**Weeds and Seeds (British) Act**

Application of: Meath, 711.

**Weighing Machines**

For Post Office purposes, 1584.

**Westmeath and Longford**

Land division, 993.

**Wexford**

Account against Army (case of J. Sinnott & Sons), 1589.

**Whiskey**

Scotch: Strength of, in Saorstát, 1810.

**White, John (See also Faolte, S. de)**

Courts of Justice Bill, 1923: Com. S., 519 to 524.

Embargo on Irish live stock (adjournment debate), 899.

Foot and Mouth Disease: preventive precautions (adjournment debate), 1598.

Illegal fishing off Tironaill (adjournment debate), 529, 539.

(Notice of adjournment debate), 454.

Tironaill Mental Hospital, 1586.

**Whitegate (Co. Clare)**

Compensation (pre-Truce) claim (case of R. Lucas), 1928.

**Wicklow**

Army dependents' allowance (case of Mrs. A. Nolan), 1936.

(County), Auctions: Interference with (adjournment debate), 133.

**Wilson, Richard (See also MacLiam, R.)**

Wicklow (adjournment debate), 133, 138.

Auctions: Alleged interference with:

Wicklow: (Notice to raise matter on the adjournment), 79.

Committee to Recommend Non-Executive Council Ministers: Report of, 196, 198.

Courts of Justice Bill, 1923:

Re-committed, 1223, 1304.

4 S., 1355 to 1358.

Embargo on Irish live stock (adjournment debate), 900.

Foot and mouth disease:

Preventive precautions (adjournment debate), 1593.

Preventive precautions (notice of adjournment debate), 1479.

Governor-General's Address:

Debate on amendment to motion, 843.

Debate on resolution of thanks, 638.

Local Elections Postponement (Amendment) Bill, 1923: 1 S., 733.

2 S., 1202 to 1206.

Ministers and Secretaries Bill, 1923:

2 S., 1015.

Com. S., 1425, 1728.

**Wilson, Richard—cont.**

- Nomination of Executive Council, 45.
- Non-Executive Council Ministries, 54.
- Position of Anti-Treaty Deputies (adjournment debate), 25.
- Transport and Communications Bill, 1923 : 2 S., 1899.

**Wireless Broadcasting**

- Motion to appoint Committee of Inquiry, 1983.
- Proposals for granting licences, 145.
- (Suggested discussion of memo.), 1584.

**Woodford**

- Account against Army (case of P. Casey), 1378.
- Account against Army (case of J. McMahon), 1276.

**Workhouse, Scariff, Co. Clare**

- Compensation claim, 703.

**Works**

- Constructive (and unemployment dole), 271.

**Wolfe, George** (See also **Bhulbh, Seoirse de**)

- Courts of Justice Bill, 1923 : Com. S., 569.
- Curragh Deputy-Ranger, 1472.

**Wolfe, George—cont.**

- Fisheries Bill, 1923 : Com. S., 1368.
- Game and wild fowl : Protection of, 1086.
- Governor-General's Address :
  - Debate on amendment to motion on, 1031, 1032.
  - Debate on resolution of thanks, 224.
- Transport and Communications Bill, 1923 : 2 S., 1676.

**Wound Pension Claim**

- Naas (case of Pte. M. Cleary), 1377.

**Writ**

- For constituency of the National University, 278.
- For election of Deputy for Dublin City, South, 150.
- For National University representation, 352.
- Issued for Dublin South (City), 184.
- Return of : National University Election (election of Deputy P. McGilligan), 998.
- Return of (Borough Constituency, Dublin South), 454.
- For General Election : Issued to Returning Officers, 3.

**Youghal**

- Account against Army (case of P. Morrissey), 1277.
- Repair of Crompane Bridge, 1720.



लाल बहादुर शास्त्री राष्ट्रीय प्रशासकीय अकादमी, पुस्तकालय  
Lal Bahadur Shastri National Academy of Administration Library

# मसुरी

## MUSSOORIE

यह पुस्तक निम्नांकित तारीख तक वापिस करनी है।

**This book is to be returned on the date last stamped.**

[illegible]

328.415

Ire

v.5

अवधि सं० JD 1381

ACC. No.....

वर्ग सं.

पुस्तक सं.

Class No.....

Book No.....

लेखक

Author.....Ireland

शीर्षक

Title.....Dail eireann Dioxboirea

..chtai..Pairliminte.....

निर्गम दिनांक Date of Issue	उधारकर्ता की सं. Borrower's No.	हस्ताक्षर Signature
.....	.....	.....
.....	.....	.....

328.415

JD 1381

Ire

LIBRARY

LAL BAHADUR SHASTRI

National Academy of Administration

V.S

MUSSOORIE

Accession No. ....

1. Books are issued for 15 days only but may have to be recalled earlier if urgently required.
2. An over-due charge of 25 Paise per day per volume will be charged.
3. Books may be renewed on request, at the discretion of the Librarian.
4. Periodicals, Rare and Reference books may not be issued and may be consulted only in the Library.
5. Books lost, defaced or injured in any way shall have to be replaced or its double price shall be paid by the borrower.

Help to keep this book fresh, clean & moving